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 LAW SCHOOL ADMISSION COUNCIL, INC.

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE DEPARTMENT OF FAIR EMPLOYMENT  
 AND HOUSING, an agency of the State of  
 California,

Plaintiff,

v.

LAW SCHOOL ADMISSION COUNCIL, INC.,  
 a Delaware tax exempt corporation, and DOES  
 ONE through TEN, inclusive,

Defendants.

JOHN DOE, JANE DOE, PETER ROE,  
 RAYMOND BANKS, KEVIN COLLINS,  
 RODNEY DECOMO-SCHMITT, ANDREW  
 GROSSMAN, ELIZABETH HENNESSEY-  
 SEVERSON, OTILIA IOAN, ALEX JOHNSON,  
 NICHOLAS JONES, CAROLINE LEE,  
 ANDREW QUAN, STEPHEN SEMOS,  
 GAZELLE TALESHPOUR, KEVIN  
 VIELBAUM, AUSTIN WHITNEY, and all other  
 similarly situated individuals,

Real Parties in Interest.

**FILED**  
 APR 12 2012  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

E-filing

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NOTICE OF REMOVAL OF ACTION  
 UNDER 28 U.S.C. § 1441

(FEDERAL QUESTION AND  
 DIVERSITY JURISDICTION)

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. § 1441, Defendant Law School Admission Council, Inc. ("LSAC") hereby removes to this Court the state court action described below. In support of this Notice of Removal, LSAC states as follows:

1. This lawsuit is a civil action within the meaning of the Acts of Congress relating to the removal of cases.

2. On or about March 15, 2012, Plaintiff The Department of Fair Employment and Housing ("DFEH" or "Plaintiff") filed its Complaint in the Superior Court of the State of California for the County of Alameda, entitled *The Department of Fair Employment and Housing v. Law School Admission Council, Inc.*, No. RG12621479. On March 26, 2012, LSAC received a copy of the Summons and Complaint together with a Notice of Acknowledgement and Service of Complaint. Because this Notice of Removal is filed within thirty (30) days of receipt of the original Complaint by defendant LSAC, it is timely under 28 U.S.C. § 1446(b)(1).

3. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon LSAC in this action are attached hereto as Exhibit A and incorporated herein by reference.

4. This action originally could have been filed in this Court under 28 U.S.C. § 1331, because it arises under the laws of the United States within the meaning of that provision. This action also could have been filed in this Court under 28 U.S.C. § 1332(a), because complete diversity of citizenship exists between the parties and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

5. In removing this action, LSAC denies that it has violated any laws and expressly reserves all defenses that it may have to Plaintiff's claims.

**I. THE COURT HAS FEDERAL QUESTION JURISDICTION OVER THIS ACTION.**

6. Plaintiff's claims in this case are based on LSAC's alleged violations of the federal Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101 *et seq.* More specifically, Plaintiff alleges that LSAC violated the ADA in connection with its consideration of requests for testing accommodations by individuals planning to take the Law School Admission Test (the "LSAT"),

1 and that the alleged ADA violations in turn constitute violations of the California Unruh Act (Cal.  
 2 Civ. Code § 51 *et seq.*) and the California Fair Housing and Employment Act ("FEHA") (Cal.  
 3 Gov. Code § 12900 *et seq.*). *See* Complaint ¶¶ 1, 187-216.

4 7. Plaintiff's Complaint asserts five causes of action, each of which is based upon  
 5 alleged violations of the ADA:

6 a. First Cause of Action: **"Unlawful Consideration of Mitigation Measures (42**  
 7 **U.S.C. § 12102(4)(E)(1)(i)(I))"**

8 b. Second Cause of Action: **"Failure to Ensure that Exam Measures Ability**  
 9 **Rather than Disability (42 U.S.C. § 12189 and 28 C.F.R. § 36.309)"**

10 c. Third Cause of Action: **"Coercion, Intimidation, Threats or Interference with**  
 11 **ADA Rights – Flagging (42 U.S.C. § 12203)"**

12 d. Fourth Cause of Action: **"Denial of Reasonable Accommodation (42 U.S.C. §**  
 13 **12189 and 28 C.F.R. § 36.309(b)(1)(iv))"**

14 e. Fifth Cause of Action: **"Coercion, Intimidation, Threats, or Interference with**  
 15 **ADA Rights (42 U.S.C. 12203)"**

16 *See* Complaint at 28-33.

17 8. With respect to both its requests for damages and its requests for injunctive relief,  
 18 Plaintiff's claims arise under federal law. The claims are based upon alleged violations of the  
 19 ADA and raise substantial questions of federal law. Alternatively, the claims arise under federal  
 20 law at least to the extent that Plaintiff seeks injunctive relief for its ADA-based Unruh Act and  
 21 FEHA claims, *see* Complaint ¶¶ 192, 198, 204, 210, 216, 217-224, thereby giving this Court  
 22 federal subject matter jurisdiction under 28 U.S.C. § 1331; and the Court may exercise  
 23 supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over Plaintiff's state law claims to the  
 24 extent they seek compensatory damages for LSAC's alleged ADA-based violations of the Unruh  
 25 Act and FEHA, *see* Complaint ¶¶ 190-91, 196-97, 202-03, 208-09, 214-15, 225.



1 **II. THIS COURT HAS DIVERSITY JURISDICTION OVER THIS ACTION.**

2 **A. Complete Diversity of Citizenship Exists Between The Real Parties in Interest**  
 3 **and LSAC.**

4 9. Plaintiff DFEH is, and was at the institution of this civil action, an agency of the  
 5 State of California. "DFEH brings this case on behalf of a group of 17 named individuals," which  
 6 it identifies as the real parties in interest. Complaint ¶¶ 2, 7. DFEH "also brings this case as a  
 7 class action, on behalf of: all disabled individuals in the State of California who requested a  
 8 reasonable accommodation for the Law School Admission Test (LSAT) from January 19, 2009 to  
 9 February 6, 2012." Complaint ¶ 8 (*italics omitted*).

10 10. According to the allegations in the Complaint, at the time of the institution of this  
 11 civil action, all 17 individuals who are identified in the Complaint as real parties in interest were  
 12 residents of counties in the State of California. *See* Complaint ¶¶ 58 (John Doe), 67 (Jane Doe),  
 13 74 (Peter Roe), 81 (Raymond Banks), 86 (Kevin Collins), 92 (Rodney DeComo-Schmitt), 99  
 14 (Andrew Grossman), 105 (Elizabeth Hennessey-Severson), 112 (Otilia Ioan), 119 (Alex  
 15 Johnson), 126 (Nicholas Jones), 133 (Caroline Lee), 143 (Andrew Quan), 150 (Stephen Semos),  
 16 159 (Gazelle Taleshpour), 170 (Kevin Vielbaum), 175 (Austin Whitney). On information and  
 17 belief, the real parties in interest currently are, and were at the time of the institution of this civil  
 18 action, all residents and citizens of the State of California.

19 11. Plaintiff alleges that the "harm that is the subject of this complaint occurred  
 20 throughout the State of California," and that three of the real parties in interest "lived in the  
 21 County of Alameda" at the time of the actions that are the subject of the Complaint. Complaint ¶  
 22 44.

23 12. Defendant LSAC is, and was at the time of the institution of this civil action,  
 24 incorporated under the laws of Delaware with its principal place of business in Newtown,  
 25 Pennsylvania. Accordingly, now and at the time of the institution of this civil action, LSAC is a  
 26 citizen of Delaware and Pennsylvania, not a citizen of the State of California.

27 13. Thus, complete diversity existed between the real parties in interest and LSAC at  
 28 the time this civil action was commenced and continues to exist at the time of removal. *See*

1 *generally Dep't of Fair Employment & Housing v. Lucent Technologies, Inc.*, 642 F.3d 728 (9th  
2 Cir. 2011).

3 **B. The Amount-In-Controversy Requirement is Satisfied.**

4 14. The matter in controversy in this action exceeds the sum or value of \$75,000,  
5 exclusive of interest and costs.

6 15. Plaintiff alleges that, as a result of LSAC's alleged practices, "real parties have  
7 incurred out of pocket losses, including test registration fees and medical bills, in an amount to be  
8 proven at trial[.]" Complaint ¶¶ 208, 214, and that "real parties have suffered emotional distress,  
9 anxiety, lost opportunity, frustration, humiliation, and loss of dignity and self-esteem, in an  
10 amount to be proven at trial[.]" Complaint ¶¶ 209, 215. Plaintiff makes similar allegations with  
11 regard to the purported class plaintiffs, which include the real parties in interest. *See* Complaint  
12 ¶¶ 190-91, 196-97, 202-03.

13 16. According to the Plaintiff's website, "[t]here is no limit to the amount of emotional  
14 distress damages" that may be awarded under the Fair Employment and Housing Act. *See*  
15 [http://www.dfeh.ca.gov/Complaints\\_EmpFAQ.htm](http://www.dfeh.ca.gov/Complaints_EmpFAQ.htm).

16 17. With respect to all members of the class, including the real parties in interest,  
17 Plaintiff requests "actual damages according to proof for each Unruh Act violation up to a  
18 maximum of three times the actual damages, but in no case less than \$4,000 per violation."  
19 Complaint ¶ 225.

20 18. Plaintiff also seeks injunctive relief with respect to the real parties in interest;  
21 specifically, (a) "free and accommodated testing at the next available testing date in each real  
22 party's area, with accommodations as initially requested by that real party," and (b) "a letter to  
23 each real party explaining that their LSAT scores used for their law school application during the  
24 relevant period may not have provided accurate measures of their acquired reading and verbal  
25 reasoning skills, because LSAC did not reasonably accommodate their disabilities." Complaint ¶¶  
26 217-18.

27 19. Plaintiff also seeks several types of injunctive relief with respect to all members of  
28 the class, including the real parties in interest. *See* Complaint 219-24. The requested injunctive

1 for the State of California shall effect the removal of said suit to this Court.

2  
3 Dated: April 11, 2012

FULBRIGHT & JAWORSKI L.L.P.

4  
5  
6 By 

JULIE CAPELL

Attorneys for Defendant Law School  
Admission Council, Inc.

## Exhibit A



**FILED**  
ALAMEDA COUNTY

MAR 16 2012

Exec. Off/Clerk

By

*Guia Ralro*

1 NELSON CHAN (#109272)  
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6 Attorneys for the DFEH  
[Filing fee exempt, Gov. Code, § 6103]

BY FAX

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF ALAMEDA

10  
11 THE DEPARTMENT OF FAIR EMPLOYMENT )  
AND HOUSING, an agency of the State of )  
12 California, )

13 Plaintiff, )

14 vs. )

15 LAW SCHOOL ADMISSION COUNCIL, INC., )  
a Delaware tax exempt corporation, and DOES )  
16 ONE through TEN, inclusive, )

17 Defendants. )

Case No. *10* 12621479

GROUP AND CLASS ACTION  
COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF

[FEHA, Gov. Code, § 12900 et seq. and  
Unruh Civil Rights Act, Civ. Code, § 51 et  
seq.]

Jury Trial Demanded

18  
19 JOHN DOE, JANE DOE, PETER ROE,  
RAYMOND BANKS, KEVIN COLLINS,  
20 RODNEY DECOMO-SCHMITT, ANDREW  
GROSSMAN, ELIZABETH HENNESSEY-  
21 SEVERSON, OTILIA IOAN, ALEX JOHNSON,  
NICHOLAS JONES, CAROLINE LEE,  
22 ANDREW QUAN, STEPHEN SEMOS,  
GAZELLE TALESHPUR, KEVIN  
23 VIELBAUM, AUSTIN WHITNEY, and all other  
similarly situated individuals, )

24 Real Parties in Interest. )

25

26

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SNo. 113 Rev. 3-96  
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Dept. Fair Empl. & Hous. v. Law School Admission Council, Inc. (Whitney et al.)  
Group and Class Action Complaint for Damages and Injunctive Relief



1 Plaintiff DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING (Department or  
2 DFEH) alleges the following against defendant LAW SCHOOL ADMISSION COUNCIL, INC.  
3 (LSAC), a Delaware tax exempt Corporation, and DOES ONE through TEN, inclusive:

4 **PARTIES**

5 1. DFEH is the state agency charged with enforcing the right of all Californians under  
6 the Unruh Civil Rights Act (Unruh Act) (Civ. Code, § 51 et seq.) "to the full and equal  
7 accommodations, advantages, facilities, privileges, or services in all business establishments of every  
8 kind whatsoever." (Civ. Code, § 51, subd. (a).) Government Code section 12948 makes a violation  
9 of the Unruh Act a violation of the Fair Housing and Employment Act (FEHA) (Gov. Code, § 12900  
10 et seq.). The FEHA empowers the DFEH to investigate and prosecute Unruh Act claims within the  
11 state, including those that adversely affect, in a similar manner, a group or class. (Gov. Code, §§  
12 12961, 12965.)

13 2. Each real party in interest, John Doe, Jane Doe, Peter Roe, Raymond Banks, Kevin  
14 Collins, Rodney Decomo-Schmitt, Andrew Grossman, Elizabeth Hennessey-Severson, Otilia Ioan,  
15 Alex Johnson, Nicholas Jones, Caroline Lee, Andrew Quan, Stephen Semos, Gazelle Taleshpour,  
16 Kevin Vielbaum, and Austin Whitney, applied to LSAC for reasonable accommodations on the Law  
17 School Admissions Test (LSAT) between January 19, 2009 and February 6, 2012. Each real party  
18 was denied a reasonable accommodation, either in whole or in part, within this same time frame. At  
19 the time of applying for reasonable accommodations, each real party resided in California.

20 3. Real parties in interest John Doe, Jane Doe, and Peter Roe wish to participate in this  
21 litigation anonymously. Each real party seeks to retain their privacy interest in the details of their  
22 disability and need for accommodation. Each of these real parties has expressed a legitimate fear of  
23 negative professional ramifications should their true names be associated with this litigation. A  
24 motion requesting the court's permission to proceed under fictitious names for these two real parties  
25 is filed concurrently with this complaint.

26 //

27 //

1           4.     At all times relevant to this complaint, LSAC was a business establishment as defined  
2 by Civil Code section 51, subdivision (b). LSAC offers and administers its LSAT at multiple  
3 locations in the State of California several times a year.

4           5.     DOES ONE through TEN, inclusive, are sued pursuant to Code of Civil Procedure  
5 section 474. The DFEH is ignorant of the true names or capacities of the defendants sued herein  
6 under fictitious names DOES ONE through TEN, inclusive, and will amend this complaint to allege  
7 their true names and capacities when the information is ascertained.

8           6.     The DFEH is informed and believes and thereon alleges that, at all times mentioned  
9 herein, each and every defendant is and was, in doing the things complained of herein, the agent or  
10 employee of their co-defendants herein and was acting within the scope of said agency, service,  
11 employment, or representation, and that each and every defendant herein is jointly and severally  
12 responsible and liable to the real party for the damages hereinafter alleged.

13                   **GROUP ACTION ALLEGATIONS**

14           7.     The DFEH brings this case on behalf of a group of 17 named individuals.

15                   **CLASS ACTION ALLEGATIONS**

16           8.     Class Definition: The DFEH also brings this case as a class action, on behalf of: *all*  
17 *disabled individuals in the State of California who requested a reasonable accommodation for the*  
18 *Law School Admission Test (LSAT) from January 19, 2009 to February 6, 2012.* The DFEH alleges  
19 that everyone within this class was subjected to LSAC's unlawful policies of discouraging requests  
20 for accommodation, requiring excessive documentation, and requesting unlawful information about  
21 mitigation measures. Within this class is a subclass of people who took the LSAT with the condition  
22 of extended time and were thereafter subjected to discriminatory treatment and retaliation because of  
23 this accommodation. These two classes are defined as follows:

24           a.     **Unlawful Discouragement and Consideration of Mitigation Measures:** All  
25 disabled individuals in the State of California who requested a reasonable accommodation for the  
26 LSAT from January 19, 2009 to February 6, 2012.



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b. Differential Treatment and Retaliation Against Examinees Granted Extended

Time: All disabled individuals in the State of California who took the LSAT with the accommodation of extra time from January 19, 2009 to February 6, 2012.

9. **Class Representative:** The Director of the DFEH, with the assistance of the 17 named real parties in interest, will fairly and adequately represent the class. Government Code section 12961 authorizes the Director to pursue this litigation as a class representative. Section 12961 authorizes the DFEH to seek class relief without being certified as the class representative. Nonetheless, this lawsuit meets the criteria for class certification.

10. **Manageability:** Class treatment of this dispute would save time and money by bringing all like claims before this court. For LSAC policies that affect a large group of applicants in a similar fashion, such as subjecting applicants to unlawful inquiries and flagging certain scores, treatment as a class is a superior method of adjudication, as compared to multiple individual suits where each plaintiff would allege an identical harm. Class treatment would neatly aggregate these claims, preventing duplicative litigation and potential inconsistencies in the ultimate findings.

11. **Numerosity:** The class is estimated to include hundreds of LSAT applicants. It would be impracticable to join each of these applicants who requested reasonable accommodation during the three-year time frame and to bring them individually before the court for adjudication. The members of this class are fully ascertainable and there exists a probability that the individual members will ultimately be available to come forward to prove their separate damage-related claims to a portion of the total class recovery, if any.

12. **Commonality:** There exists for the class a well-defined community of interest such that common questions of both law and fact predominate over individual interests or claims.

13. **Typicality:** The class claims raised by the real parties in interest are typical of those held by other members of the class. Each applicant for reasonable accommodation was subject to an unlawful inquiry about mitigation measures, and each test-taker, who was granted extra time, had his or her test score segregated and flagged.



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*Dept. Fair Empl. & Hous. v. Law School Admission Council, Inc. (Whitney et al.)*  
Group and Class Action Complaint for Damages and Injunctive Relief

1           14.   Adequacy of Representation: With the assistance of the real parties in interest, the  
2   DEFH will fairly and adequately represent the interests of all members of the class in the adjudication  
3   of their similar legal claims.

4                                   JURISDICTION AND VENUE

5           15.   The DFEH realleges and incorporates by reference each and every allegation  
6   contained in paragraphs 1 through 14, inclusive, as if fully set forth herein.

7           16.   This action arises under the FEHA, specifically Government Code section 12948,  
8   which incorporates the Unruh Act into the enforcement structure of the FEHA, giving the DFEH  
9   jurisdiction over Unruh Act violations occurring within the state. By virtue of its incorporation into  
10   the Unruh Act, a violation of the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. § 12101  
11   et seq.) also constitutes a violation of the Unruh Act. (Civ. Code, § 51, subd. (f).)

12          17.   At all times relevant to this complaint, LSAC was a business establishment as defined  
13   by Civil Code section 51, subdivision (b). LSAC offers and administers its LSAT at multiple  
14   locations in the State of California several times a year.

15          18.   At all times relevant to this complaint, real parties in interest John Doe, Jane Doe,  
16   Peter Roe, Raymond Banks, Kevin Collins, Rodney Decomo-Schmitt, Andrew Grossman, Elizabeth  
17   Hennessey-Severson, Otilia Ioan, Alex Johnson, Nicholas Jones, Caroline Lee, Andrew Quan,  
18   Stephen Semos, Gazelle Taleshpour, Kevin Vielbaum, Austin Whitney, and all other similarly  
19   situated individuals, were "persons" within the meaning of Government Code section 12925,  
20   subdivision (d), and Civil Code section 51, subdivision (b).

21          19.   On May 9, 2010, Jane Doe filed a verified complaint of discrimination in writing with  
22   the Department pursuant to Government Code section 12960, alleging that LSAC unlawfully denied  
23   her full and equal access to the LSAT within the preceding one year, in violation of the FEHA and  
24   Unruh Act. A redacted copy of this complaint is attached hereto as Exhibit I.

25          20.   On January 12, 2010, Nicholas Jones filed a verified complaint of discrimination in  
26   writing with the Department pursuant to Government Code section 12960, alleging that LSAC  
27   unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation

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*Dept. Fair Empl. & Hous. v. Law School Admission Council, Inc. (Whitney et al.)*  
Group and Class Action Complaint for Damages and Injunctive Relief

1 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit

2 2.

3 21. After receiving the complaints of Jane Doe and Mr. Jones, and beginning an  
4 investigation into their allegations, the Department came to believe that LSAC's policies and  
5 practices toward disabled applicants requesting reasonable accommodation were affecting a larger  
6 group or class of applicants in a similar manner.

7 22. On July 22, 2010, the Department issued a document entitled "Notice of Class Action  
8 Complaint and Director's Complaint" describing the affected group or class as "all disabled  
9 individuals in the State of California who have or will request a reasonable accommodation for the  
10 Law School Admission Test (LSAT), administered by the LSAC, and who have or will be unlawfully  
11 denied such request from January 19, 2009 to the conclusion of the Department's investigation of this  
12 complaint." A redacted copy of this complaint is attached hereto as Exhibit 3.

13 23. During its investigation of the class action and Director's complaint, the DFEH  
14 propounded administrative discovery to determine whether other people had been harmed by LSAC's  
15 discriminatory practices within the state. The DFEH's efforts to obtain this information from  
16 defendant included the filing of a superior court petition to compel LSAC to respond to its discovery  
17 requests. Although Government Code section 12960, subdivision (d), provides that the DFEH has  
18 one year from the date of the filing of its complaint until the filing of its accusation, this time is  
19 extended by the pendency of a court action to enforce administrative discovery. (Gov. Code, §  
20 12963.5, subd. (f).) Therefore, this action is timely filed.

21 24. With the court's assistance, the DFEH was able to discover and notify other persons  
22 who were harmed by defendant's discriminatory practices. Some of these people elected to file  
23 individual complaints as follows.

24 25. On August 29, 2011, Alex Johnson filed a verified complaint of discrimination in  
25 writing with the Department pursuant to Government Code section 12960, alleging that LSAC  
26 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation

27



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*Dept. Fair Empl. & Hous. v. Law School Admission Council, Inc. (Whitney et al.)*  
Group and Class Action Complaint for Damages and Injunctive Relief



1 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit  
2 4.

3 26. On August 31, 2011, John Doe filed a verified complaint of discrimination in writing  
4 with the Department pursuant to Government Code section 12960, alleging that LSAC unlawfully  
5 denied him full and equal access to the LSAT within the preceding one year, in violation of the  
6 FEHA and Unruh Act. A redacted copy of this complaint is attached hereto as Exhibit 5.

7 27. On September 26, 2011, Elizabeth Hennessey-Severson filed a verified complaint of  
8 discrimination in writing with the Department pursuant to Government Code section 12960, alleging  
9 that LSAC unlawfully denied her full and equal access to the LSAT within the preceding one year, in  
10 violation of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as  
11 Exhibit 6.

12 28. On October 3, 2011, Caroline Lee filed a verified complaint of discrimination in  
13 writing with the Department pursuant to Government Code section 12960, alleging that LSAC  
14 unlawfully denied her full and equal access to the LSAT within the preceding one year, in violation  
15 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit  
16 7.

17 29. On October 6, 2011, Raymond Banks filed a verified complaint of discrimination in  
18 writing with the Department pursuant to Government Code section 12960, alleging that LSAC  
19 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation  
20 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit  
21 8.

22 30. On October 7, 2011, Gazelle Taleshpour filed a verified complaint of discrimination in  
23 writing with the Department pursuant to Government Code section 12960, alleging that LSAC  
24 unlawfully denied her full and equal access to the LSAT within the preceding one year, in violation  
25 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit  
26 9.

27



1           31. On October 11, 2011, Peter Roe filed a verified complaint of discrimination in writing  
2 with the Department pursuant to section Government Code section 12960, alleging that LSAC  
3 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation  
4 of the FEHA and Unruh Act. A redacted copy of this complaint is attached hereto as Exhibit 10.

5           32. On October 11, 2011, Stephen Semos filed a verified complaint of discrimination in  
6 writing with the Department pursuant to section Government Code section 12960, alleging that LSAC  
7 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation  
8 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit  
9 11.

10           33. On October 14, 2011, Rodney DeComo-Schmitt filed a verified complaint of  
11 discrimination in writing with the Department pursuant to Government Code section 12960, alleging  
12 that LSAC unlawfully denied him full and equal access to the LSAT within the preceding one year,  
13 in violation of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto  
14 as Exhibit 12.

15           34. On October 17, 2011, Andrew Grossman filed a verified complaint of discrimination  
16 in writing with the Department pursuant to Government Code section 12960, alleging that LSAC  
17 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation  
18 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit  
19 13.

20           35. On October 19, 2011, Kevin Collins filed a verified complaint of discrimination in  
21 writing with the Department pursuant to Government Code section 12960, alleging that LSAC  
22 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation  
23 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit  
24 14.

25           36. On October 24, 2011, Otilia Ioan filed a verified complaint of discrimination in  
26 writing with the Department pursuant to Government Code section 12960, alleging that LSAC  
27 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation

1 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit  
2 15.

3 37. On October 28, 2011, Andrew Quan filed a verified complaint of discrimination in  
4 writing with the Department pursuant to Government Code section 12960, alleging that LSAC  
5 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation  
6 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit  
7 16.

8 38. On October 28, 2011, Austin Whitney filed a verified complaint of discrimination in  
9 writing with the Department pursuant to Government Code section 12960, alleging that LSAC  
10 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation  
11 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit  
12 17.

13 39. On November 7, 2011, Kevin Vielbaum filed a verified complaint of discrimination in  
14 writing with the Department pursuant to Government Code section 12960, alleging that LSAC  
15 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation  
16 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit  
17 18.

18 40. On February 6, 2012, the DFEH issued a Group and Class Accusation before the  
19 California Fair Employment and Housing Commission (Commission), charging LSAC with  
20 violations of the Unruh Act. The Group and Class Accusation was properly served on LSAC by  
21 certified mail.

22 41. On February 17, 2012, the DFEH issued a First Amended Group and Class Accusation  
23 before the Commission. This accusation was properly served on the LSAC by certified mail.

24 42. Pursuant to Government Code section 12965, subdivision (c)(1), LSAC elected to  
25 have this dispute heard in civil court in lieu of a hearing before the Commission, and so notified the  
26 Department in writing, on or about February 22, 2012. A true and correct copy of "Respondent's  
27 Notice of Transfer of Proceedings to Court" is attached hereto as Exhibit 19.



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1        52. LSAC offers a Credential Assembly Service to law schools and law school applicants,  
 2 which streamlines the law school admission process by allowing transcripts, recommendations and  
 3 evaluations to be sent one time to LSAC. LSAC, in turn, summarizes and combines a law school  
 4 applicant's LSAT score, writing samples, transcripts, recommendations, and evaluations into a report  
 5 to an applicant's prospective law schools. The Credential Assembly Service also includes access  
 6 through an applicant's LSAC account to electronic applications for all ABA-approved law schools.  
 7 Applicants are charged \$124 to register for the Credential Assembly Service and \$16 for law school  
 8 reports.

9        53. LSAC provides a series of LSAT preparatory guides, manuals and compilations of  
 10 sample LSATs for purchase via its Web site, which materials range in price from \$8 to \$39.96. LSAC  
 11 also sells a guide to ABA-approved law schools for \$26 and a skill readiness inventory for \$29.95.

12                    The LSAC Accommodation Request Process

13        54. LSAC requires candidates requesting a reasonable accommodation to utilize its  
 14 standard forms and procedures. Applicants making an accommodation request for a so-called  
 15 cognitive or psychological impairment are required to provide psychoeducational/  
 16 neuropsychological testing and a full diagnostic report, including comprehensive aptitude and  
 17 achievement testing.

18        55. LSAC requires each applicant to disclose whether he or she took prescribed  
 19 medication during the evaluation process and to provide an explanation for any failure or refusal to  
 20 take the medication.

21        56. LSAC has a policy whereby examinees who complete the LSAT under a disability-  
 22 related accommodation involving additional test time receive a notation on their score report  
 23 indicating that their exam scores were earned under non-standard time conditions. When reporting  
 24 these LSAT scores to the law schools, defendant advises the schools that these examinees' scores  
 25 "should be interpreted with great sensitivity and flexibility."  
 26  
 27





57. In addition, scores from tests taken under extended time conditions are not averaged with other scores to produce a percentile ranking as are other test scores. Instead, extended time scores are reported individually.

**John Doe**

58. John Doe, a resident of Rancho Santa Fe (San Diego County), requested that defendant make accommodations for the December 2010 LSAT at Saddleback College.

59. Mr. Doe was diagnosed with attention deficit disorder (ADD) at age 13. In addition, in 2010 he became extremely ill with a bacterial infection and was hospitalized for approximately two months, spending several weeks in the Intensive Care Unit in a medically-induced coma. During this illness he suffered a severe brain edema, which left him with residual neurological impairments.

60. Mr. Doe requested time and a half (150 percent) on the multiple choice and writing sections for the December 2010 LSAT.

61. In support of his request, Mr. Doe submitted medical documentation verifying his hospitalization, and a complete psychoeducational assessment, which reported multiple diagnoses: ADD, a learning disability (spelling), and a "[r]ecent bacterial infection with sustained induced coma and residual impairments."

62. LSAC refused to grant Mr. Doe's requested accommodation and instead asked for "a detailed explanation regarding the nature, severity, treatment, and extent of [his] disorder at the present time and it [sic] impact on your ability to take the LSAT."

63. Mr. Doe then submitted additional medical documentation indicating that he had "suffered a serious illness and developed marked weaknesses and encephalopathy. He continues to have fatigability and impaired concentration." His doctor recommended that Mr. Doe be granted increased time to complete the LSAT.

64. LSAC then demanded that Mr. Doe's psychologist provide "a current update of [his] cognitive status" before making a decision on his accommodation request.

65. Mr. Doe and his doctor disputed the need for an updated psychoeducational assessment just three months after the first report was completed. His doctor responded, "I would

1 reiterate that Mr. Doe's intelligence is much as it was when he was originally seen (10/26/10) and  
 2 with IQ scores as noted in that report, all within the average range with the exception of Processing  
 3 Speed (4th percentile)."

4 66. LSAC granted Mr. Doe nine additional minutes for the multiple choice and writing  
 5 sample sections (125 percent), with an additional 15 minutes of break time between sections three  
 6 and four, for the February and June 2011 LSAT.

7 Jane Doe

8 67. Jane Doe, a resident of Oakland (Alameda County), requested that defendant provide  
 9 her with reasonable accommodations on each of two administrations of the LSAT examination, one  
 10 in February 2010 and a second in June 2010.

11 68. Ms. Doe has attention deficit disorder (ADD). Her condition makes it difficult to  
 12 retain attention and focus, and significantly impairs her ability to conceptually organize and sequence  
 13 abstract ideas.

14 69. Ms. Doe requested that LSAC accommodate her with time and a half (150 percent) on  
 15 the multiple choice and writing sample sections of the LSAT.

16 70. In support of her request, Ms. Doe submitted medical documentation, verification that  
 17 she had received the accommodation of time and a half (150 percent) as an undergraduate university  
 18 student, and proof that she had received extended time (150 percent) on the Graduate Record Exam  
 19 (GRE).

20 71. On January 15, 2010, LSAC denied Ms. Doe's accommodation requests, explaining  
 21 that her documentation did not demonstrate that she had a disability, which affected her ability to take  
 22 the LSAT.

23 72. Ms. Doe reapplied for accommodations on the June 2010 LSAT, requesting the same  
 24 accommodation of time and a half (150 percent) on the multiple choice and writing sample sections.

25 73. LSAC also denied this request. When Ms. Doe asked for an explanation for the denial,  
 26 defendant replied in writing that it was "not obligated to provide accommodations that are not  
 27 warranted or supported by the documentation."



Peter Roe

74. Peter Roe, a resident of San Jose (Santa Clara County), requested that defendant make accommodations for the September 2009 LSAT at California State University, East Bay.

75. Mr. Roe has reading and math disorders, characterized by impaired auditory attention span and low visuomotor processing speed. These learning disorders substantially impact his ability to process written material, particularly under timed conditions.

76. Mr. Roe requested 20 extra minutes for the multiple choice sections and 30 extra minutes for the writing sample section of the LSAT. He also requested a reader and permission to use a computer dictation program.

77. In support of his request, Mr. Roe submitted a neuropsychological evaluation documenting his learning disabilities.

78. LSAC denied Mr. Roe any accommodation, noting that he had neglected to submit a "timed reading comprehension measure" in conformance with LSAC's guidelines, he had no history of educational accommodation, and his test results demonstrated an "average range of functioning."

79. Mr. Roe requested reconsideration of LSAC's denial, submitting the results of an additional reading comprehension test that documented Mr. Roe's reading problems and recommended that he receive an accommodation of time and a half (150 percent).

80. After reconsideration, LSAC stood by its previous decision to deny accommodation.

Raymond Banks

81. Raymond Banks, a resident of San Francisco (County of San Francisco), requested that defendant make accommodations for the February 2011 LSAT at San Francisco State University.

82. Mr. Banks had a longstanding and severe injury to his shoulder muscle. As a result of this injury, Banks suffered from nerve damage, carpal tunnel syndrome, and chronic pain, all of which limited his ability to write.

83. Mr. Banks requested five additional minutes to complete each multiple-choice test section of the LSAT, 10 additional minutes on the writing sample section, five-minute breaks between each test section, a large table to write on, and permission to wear a splint on his wrist.



84. Real party Banks submitted medical documentation in support of his request, as well as proof that he had received accommodation as a student at the University of California, Berkeley for time and a half (150 percent) on all exams and quizzes.

85. LSAC denied all of Mr. Banks' requests, other than permitting him to wear a hand splint "as a courtesy." When Mr. Banks asked LSAC for an explanation of the denial, LSAC responded in writing that "[t]he documentation provided did not support your request for the additional accommodations you requested."

**Kevin Collins**

86. Kevin Collins, a resident of Woodland Hills (Los Angeles County), requested that defendant make accommodations for the February 2011 LSAT at California State University, Northridge.

87. Mr. Collins suffers from two learning disorders: disorder of written expression and a reading disorder. He has perceptual-organizational impairments, making it significantly more difficult for him to process simple or routine visual material without making errors, as compared to his peers.

88. Collins requested the accommodations of double time on multiple choice and writing sample sections of the LSAT, permission to use a computer and printer for the writing sample, and an alternative, non-Scantron answer sheet.

89. In support of his request, Collins submitted proof that he had received time and a half (150 percent) on the GRE and for exams at Claremont Graduate University. He also submitted a full psychoeducational assessment report as requested by LSAC's guidelines.

90. Defendant's first response was to ask for additional information and inform Collins that the deadline had passed for the February 2011 LSAT. Later, after Collins had submitted the requested information and requested consideration for the June exam, defendant granted him the accommodations of time and a half (150 percent) for the multiple choice and writing sample sections, rather than the double time that he had requested. The rest of his requested accommodations was granted.



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1 91. Collins asked LSAC to reconsider its decision to deny him double time. LSAC stood  
2 by its previous decision that time and a half was appropriate.

3 Rodney DeComo-Schmitt

4 92. Rodney DeComo-Schmitt, a resident of Marin County, requested that defendant make  
5 accommodations for the October 2010 LSAT offered at Sonoma State University.

6 93. Mr. DeComo-Schmitt suffers from a reading disorder, causing a significant  
7 discrepancy between his verbal abilities and his visual-spatial abilities, especially under timed  
8 conditions.

9 94. Mr. DeComo-Schmitt requested time and a half (150 percent) on the multiple-choice  
10 sections of the exam, extra rest and break time, and permission to use a computer for the writing  
11 sample.

12 95. In support of his request, Mr. DeComo-Schmitt submitted a thorough  
13 psychoeducational assessment and proof that he had received time and a half (150 percent) on his  
14 SAT exam.

15 96. LSAC at first refused to consider Mr. DeComo-Schmitt's request for reconsideration,  
16 asserting that it had been submitted past the deadline for the October 2010 exam. Later, LSAC denied  
17 any accommodation to Mr. DeComo-Schmitt for the December 2010 exam, asserting that the  
18 documentation he had submitted did not demonstrate a limitation of a major life activity which  
19 affected his ability to take the LSAT.

20 97. Mr. DeComo-Schmitt requested reconsideration of LSAC's decision, submitting a  
21 letter from his psychologist contending that LSAC had misinterpreted the psychological testing.

22 98. LSAC stood by its denial of accommodation, informing Mr. DeComo-Schmitt that he  
23 was registered for the December 2010 LSAT as a standard test taker.

24 Andrew Grossman

25 99. Andrew Grossman, a Saratoga resident (Santa Clara County), requested that defendant  
26 make accommodations for the December 2010 LSAT offered at Santa Clara University.

27









1 115. In support of her request, Ms. Ioan submitted verification that she had received the  
2 accommodation of double time on tests while a student at De Anza College, and double time when  
3 taking the GRE.

4 116. LSAC asked Ms. Ioan to submit additional information from her doctor before it could  
5 consider her request for accommodation. LSAC wrote: "Your evaluator needs to provide detailed  
6 information regarding the nature, extent, severity, and treatment of your disorder and its functional  
7 limitation on your ability to take the LSAT," defendant wrote.

8 117. Ms. Ioan's doctor supplied the additional information that LSAC requested.

9 118. Ms. Ioan wrote to LSAC requesting reconsideration of its decision to deny her double  
10 testing time. LSAC stood by its previous decision.

11 Alex Johnson

12 119. Alex Johnson, a resident of Lake San Marcos (San Diego County), requested  
13 accommodations for the October 2010 LSAT offered at the University of Southern California.

14 120. Mr. Johnson is quadriplegic. He is unable to write or turn pages because his fingers are  
15 paralyzed. He is unable to draw diagrams, underline text, or use a standard Scantron answer sheet.

16 121. Mr. Johnson requested 15 minutes of extra break time between each section of the  
17 LSAT, and 120 additional minutes (more than triple time) on the multiple choice and writing sample  
18 sections.

19 122. In support of his request, Mr. Johnson submitted medical documentation of his  
20 condition and need for accommodation, as well as verification from the University of Southern  
21 California that he had received double time on his exams while a student there.

22 123. At first, LSAC refused to consider Mr. Johnson's accommodation request, because he  
23 was not registered to take the LSAT. Later, it granted Mr. Johnson time and a half (150 percent) on  
24 the multiple choice and writing sample sections, and 10 minutes of break time between each section.  
25 It agreed to provide Mr. Johnson with a scribe, and permitted him to use a computer for the writing  
26 sample.  
27

1 124. Mr. Johnson requested that LSAC reconsider his request for double time. His doctor  
 2 wrote, "Double time is the least amount of time I should be allocated. It is also very hard to use a  
 3 scribe because of time limitations."

4 125. LSAC responded that it did not offer an untimed test, and that the documentation  
 5 submitted did not support Johnson's request.

6 Nicholas Jones

7 126. Nicholas Jones, a resident of Palm Desert (Riverside County), requested that  
 8 defendant provide him with an accommodation for the December 2009 LSAT offered at the  
 9 University of Laverne (Ontario).

10 127. Mr. Jones suffers from two distinct eye conditions. First, he has amblyopia or "lazy  
 11 eye" in his left eye, which impairs his visual processing. Second, he has posterior vitreous  
 12 detachments in his right eye, meaning that he has persistent floaters or spots, which obstruct his field  
 13 of vision. These conditions together impair Mr. Jones' reading speed and ability.

14 128. Mr. Jones requested time and a half (150 percent) on the multiple choice and writing  
 15 sample sections of the exam and five-minute breaks between each section.

16 129. In support of his request, Mr. Jones submitted medical forms filled out by his doctor,  
 17 an eye specialist.

18 130. LSAC refused to provide any accommodation to Mr. Jones, informing him that "[t]he  
 19 documentation provided did not reflect an impairment related to taking the Law School Admission  
 20 Test."

21 131. Mr. Jones requested that LSAC reconsider its decision denying him accommodations,  
 22 and asked it to provide further explanation. Mr. Jones' doctor wrote a letter supporting his request for  
 23 reconsideration, asserting that Jones' eye condition "substantially limits him in at least one major life  
 24 activity, reading."

25 132. After reconsideration, defendant stood by its prior decision to deny accommodation.  
 26  
 27



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Caroline Lee

133. Caroline Lee, a resident of Oakland (Alameda County), requested that defendant make accommodations for the December 2010 LSAT offered in the City of Oakland.

134. Ms. Lee suffers from ADHD and a reading disorder, causing her reading to be labored and excessively slow, and impairing her short-term memory.

135. Ms. Lee requested time and a half (150 percent) on the LSAT multiple choice and writing sample, as well as extended breaks during the exam, a quiet testing environment, and the use of a laptop to compose all written work.

136. In support of her request, Ms. Lee submitted proof that she had received extended testing time of 150 percent while a student at City College of San Francisco (CCSF) and that she had taken the SAT and ACT with accommodations. She also submitted a psychoeducational assessment that had been performed while she was a student at CCSF.

137. LSAC replied in writing to Ms. Lee that she needed to submit additional documentation in order for her request to be considered, asking for: "[t]esting results and a full diagnostic report from a comprehensive up-to-date psychoeducational/neuropsychological assessment that comply with the Law School Admissions Council, Inc. Guidelines for Documentation of Cognitive Impairments."

138. Ms. Lee then obtained and submitted a full psychoeducational evaluation in February 2011, which documented her ADHD and reading disorder. Her psychologist recommended that she receive 150 percent extended time, as well as the other previously requested accommodations.

139. LSAC then requested that Ms. Lee submit several additional documents and reports. Ms. Lee did so.

140. In April 2011, defendant denied all of Ms. Lee's requested accommodations, informing her that: her performance on academic measures was commensurate with her ability, negating a finding of impairment; her documentation failed to support the diagnosis of an attention disorder; and her request for additional time on the writing sample was not considered because her psychologist had not administered the right tests.



1 141. Ms. Lee requested that LSAC reconsider its denial of accommodation. This request  
2 was accompanied by a letter from her psychologist, who contended that LSAC had misinterpreted the  
3 psychoeducational assessment.

4 142. After reconsideration, LSAC stood by its initial decision to deny accommodations.

5 Andrew Quan

6 143. Andrew Quan, a resident of Hayward (Alameda County), requested accommodation  
7 for the October 2011 LSAT offered at the University of California, Santa Cruz.

8 144. Mr. Quan has ADHD, a visual-motor integration deficit with slow processing speed,  
9 hypotonia, and dysgraphia.

10 145. Mr. Quan requested that LSAC provide him with the accommodations of double time  
11 on the multiple choice and writing sample portions of the exam, 10-minute breaks between each  
12 section of the test, and the use of a computer for the writing sample.

13 146. In support of his request, Mr. Quan submitted to LSAC proof that he had been  
14 accommodated with the use of a computer on his ACT exams. He also submitted a 2008  
15 psychoeducational assessment from high school, showing that Mr. Quan suffered from "significant  
16 deficits in visual-motor integration and fine motor skills." Included within that assessment was a  
17 2008 IEP documenting dysgraphia, attention deficit, visual processing, and sensory motor skills  
18 disorders which qualified him for special educational services, the use of a laptop computer, a scribe,  
19 and extra examination time.

20 147. LSAC requested that Mr. Quan provide further documentation to support his request,  
21 including "testing results and a full diagnostic report from a comprehensive up-to-date  
22 psychoeducational/neuropsychological assessment that comply with [LSAC Guidelines]."

23 148. Mr. Quan contested LSAC's need for additional documentation, asserting that it was  
24 unnecessary, unaffordable, and burdensome.

25 149. LSAC responded that if Mr. Quan wanted any accommodation in the future, he would  
26 need to submit "substantive documentation to support your request for your hypotonia/dysgraphia  
27 disorders."



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Stephen Semos

150. Stephen Semos, a resident of Rancho Palos Verdes (Los Angeles County), requested that defendant make accommodations for the December 2010 LSAT at Whittier Law School (Costa Mesa).

151. Mr. Semos has ADHD and dysgraphia, which significantly impair his reading, writing, organization, and general academic performance.

152. Mr. Semos requested time and a half (150 percent) on both the multiple-choice and writing sample portions of the exam, additional break time of five to eight minutes.

153. In support of his request, Mr. Semos submitted proof that he had received: accommodations on the SAT; an IEP from the Palos Verdes Peninsula Unified School District identifying Mr. Semos as learning disabled; a letter verifying that he had received accommodations while a student at the University of California, Irvine, of time and a half (150 percent) on tests; and a complete psychoeducational assessment by his doctor, a neuropsychologist.

154. LSAC's first response was to ask Mr. Semos to provide additional documentation in order to consider his accommodation request, including a full report of two particular tests for cognitive disabilities, the Nelson-Denny Reading Test (NDRT) and the Conner's Continuous Performance Test-II. LSAC also informed Mr. Semos that the deadline for the December 2010 LSAT had passed, but that he could request accommodation for future exams.

155. Mr. Semos then submitted his documentation for the February 2011 LSAT.

156. In response, LSAC denied all of Mr. Semos' requests for accommodation on the basis that his test scores were generally commensurate with his abilities and thus did not demonstrate a learning disability.

157. Mr. Semos' neuropsychologist requested that LSAC reconsider its denial. Mr. Semos' doctor wrote: "Your denial letter written to Mr. Semos selectively highlighted the above average scores and thereby masked the patterns of deficits in processing speed and fine motor speed noted in my neuropsychological report."



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158. LSAC responded that the letter from Mr. Semos' neuropsychologist had arrived too late to be considered for the February 2011 LSAT. LSAC wrote: "You remain registered to test as a standard test taker. No accommodations have been granted."

Gazelle Taleshpour

159. Gazelle Taleshpour, a resident of San Diego (San Diego County), requested that defendant make accommodations for the October 2010 LSAT offered at the University of San Diego.

160. Ms. Taleshpour has ADHD. She also suffers from osteopenia (bone loss) and chronic pain in her neck and back as a result of treatment she had received for leukemia, a bone marrow transplant, radiation, and chemotherapy.

161. Ms. Taleshpour requested that LSAC accommodate her with 30 extra minutes on the multiple choice and writing sample portions of the exam, breaks of two to five minutes every half hour so that she could stretch and alleviate pain, a high table, and a comfortable chair.

162. In support of her request, Ms. Taleshpour submitted documentation from her treating medical doctor, her chiropractor, and her psychologist. She also provided LSAC with verification that she had received time and a half (150 percent) on all tests and exams while a student at the University of San Diego.

163. LSAC requested that Ms. Taleshpour provide additional documentation in support of her accommodation request, including "[t]esting results and a full diagnostic report from a psychoeducational/neuropsychological assessment that comply with Guidelines for Documentation of Cognitive Impairments."

164. Ms. Taleshpour obtained and submitted the additional documentation that LSAC requested. Her psychiatrist performed a full psychoeducational assessment, which diagnosed her with ADHD, a reading disorder, and a learning disability (dyslexia). Her psychiatrist supported Ms. Taleshpour's request for double time and other accommodations.

165. LSAC only partially granted Ms. Taleshpour's request for accommodation, allowing her to sit or stand at a podium while taking the exam, and to bring a seat cushion or an adjustable chair.



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1 166. Ms. Taleshpour then resubmitted a request for accommodation for the December 2010  
 2 LSAT: double time on multiple choice and writing sample; an alternate, non-Scantron answer sheet;  
 3 use of a reader; an additional 15 minutes of rest time; and 15-minute breaks between sections.

4 167. LSAC denied the request for additional accommodations beyond the two it had  
 5 already granted, explaining to Ms. Taleshpour that her intelligence test scores were average and  
 6 commensurate with her ability, meaning that no cognitive disability was apparent.

7 168. Ms. Taleshpour requested that LSAC reconsider its denial of accommodation for extra  
 8 time. Her psychologist supported the reconsideration request, contending that LSAC failed to  
 9 recognize significant discrepancies in her reading speed and comprehension. "These significant  
 10 difficulties provide psychometric evidence of the presence of a Learning Disability as described by  
 11 the ADA," he wrote.

12 169. LSAC stood by its prior decision to limit the accommodations made for Ms.  
 13 Taleshpour: permission to sit or stand with a podium and to bring a seat cushion or an adjustable  
 14 chair.

15 Kevin Vielbaum

16 170. Kevin Vielbaum, a resident of San Mateo (San Mateo County), requested that  
 17 defendant make accommodations for him in taking the June 2011 LSAT at the University of  
 18 California, Hastings College of the Law.

19 171. Mr. Vielbaum has a reading disorder (dyslexia), characterized by a significant  
 20 difficulties with perceptual reasoning, working memory, and cognitive processing speed.

21 172. Mr. Vielbaum requested that defendant accommodate him with time and a half (150  
 22 percent) on the multiple choice section of the LSAT, double time on the writing sample, and  
 23 permission to use a computer for the writing sample.

24 173. In support of his request, Mr. Vielbaum submitted extensive records from his primary  
 25 education at a special school for students with dyslexia, where he was granted accommodations of  
 26 extended time and the use of a laptop and calculator.



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1 174. LSAC granted Mr. Vielbaum only the accommodation of using a computer, printer  
 2 and spell check for the writing sample. LSAC denied the accommodation of extra time, noting that  
 3 Mr. Vielbaum had not requested accommodation on the SAT, and that he had scored well on the tests  
 4 involved in his psychoeducational assessment. Defendant went on to explain that: "[y]our evaluator  
 5 notes you have difficulties with logical reasoning. Inasmuch as the Law School Admission Test is  
 6 designed to measure these skills, the accommodations requested (extended time on all examinations  
 7 that involve the solving of logic problems), would not be appropriate."

8 Austin Whitney

9 175. Austin Whitney, a resident of Contra Costa County, first requested accommodations  
 10 for the September 2009 LSAT offered at San Diego State University.

11 176. Mr. Whitney is paraplegic due to a spinal cord injury in 2007.

12 177. Mr. Whitney requested that defendant accommodate his disability with time and a half  
 13 (150 percent) on the multiple choice and writing sample sections of the LSAT, and a wheelchair  
 14 accessible testing location.

15 178. In support of his request, Mr. Whitney submitted medical records pertaining to his  
 16 2007 injury, verification from the University of California at Berkeley that he had received time and a  
 17 half (150 percent) for all exams and quizzes during his undergraduate studies, and a form filled out  
 18 by his doctor indicating that, because of his injury and surgeries, he suffered from "severe chronic  
 19 pain and radiating radicular nerve pain" for which Whitney took prescription medication that caused  
 20 drowsiness.

21 179. LSAC responded that Mr. Whitney's request for accommodation had been submitted  
 22 too late for the September 2009 test, and therefore he was registered as a standard test taker.

23 180. Mr. Whitney next requested accommodations for the June 2010 LSAT offered in  
 24 Berkeley at the California Ballroom. This time he requested that LSAC accommodate him with five-  
 25 minute breaks between sections, in addition to providing time and a half (150 percent) on the multiple  
 26 choice and writing sample sections and a wheelchair accessible testing site.





1 181. In support of this request, Mr. Whitney submitted medical forms from four different  
 2 doctors, each of whom supported his need for extra testing time. Dr. Larry Snyder explained:  
 3 "Patient has significant fatigue due to medications taken for previous spinal injury - this will affect  
 4 his performance in TIMED conditions." Dr. Carol Jessop wrote that, due to Mr. Whitney's spinal  
 5 cord injury with chronic, neuropathic pain, he needed extra time to compensate for the effects of the  
 6 pain medication which cause fatigue. Dr. Jessop explained: "This is a significant problem for Austin  
 7 Whitney as he is taking medications . . . that cause him to be sleepy and fatigued. This drowsiness  
 8 makes him slower in his response to test questions. If an exam has a time limit, he will definitely  
 9 need extra time to complete it."

10 182. LSAC then granted Mr. Whitney the extra break time that he requested, and agreed to  
 11 provide a wheelchair accessible testing site, but denied his request for extra testing time. "If you  
 12 choose to have your cognitive disorder (alluded to by Carol Jessop, MD) considered," defendant  
 13 wrote, "you must provide a current psychoeducational/neuropsychological assessment or  
 14 neuropsychological evaluation as per our Guidelines for Documentation of Cognitive Impairments."

15 183. Mr. Whitney asked defendant to reconsider its decision to deny additional testing time,  
 16 and three of his doctors wrote to LSAC in support of his request.

17 a. Dr. Snyder wrote, "His pain and spacticity are a constant distraction and put  
 18 him at a significant disadvantage as a test taker. In addition, the medication he is taking causes  
 19 significant fatigue and makes it difficult to concentrate. The medication side effects do not impair  
 20 cognition but can slow processing speed. For these reasons, he should be afforded extra time when  
 21 taking this standardized test."

22 b. Dr. Jessop wrote, "I would like to emphasize that the nature of Mr. Whitney's  
 23 condition is physiological (pain issues) and NOT cognitive or due to a learning disorder. Our request  
 24 for extra time on the exam is based solely on physiological effects of chronic, severe neuropathic  
 25 pain, and the fatiguing side effects of pharmaceutical pain killers. Thus, because he doesn't have a  
 26 learning disability, I feel strongly that neuropsychological or psychoeducational testing would be  
 27 irrelevant in his case."

1 c. Dr. Hedelman wrote, "Patient's significant impacts on concentration, reading,  
2 writing, ability to attend class is secondary to his unpredictable, severe neuropathic pain and the  
3 associated pain management medications. Patient does not have an underlying cognitive impairment  
4 requiring neuropsych[ological] testing."

5 184. LSAC refused to reconsider its decision, responding: "We have no objective evidence  
6 to support Dr. Carol Jessop, MD's conclusion that your thought processes are not as fast as they  
7 could be without medication."

8 185. In 2011, at LSAC's behest, Mr. Whitney was evaluated by a psychologist, who  
9 determined that he required double time on examinations due to the effect that his pain medication  
10 was having on his cognitive abilities.

11 186. In response to a second accommodation request by Mr. Whitney with the  
12 psychologist's report as supporting documentation, LSAC awarded him 10 additional minutes on  
13 each section of the exam. LSAC provided no rationale for denying his request for double time.

14 **FIRST CLASS CAUSE OF ACTION**

15 **Unlawful Consideration of Mitigation Measures**

16 **(42 U.S.C. § 12102(4)(E)(1)(I))**

17 187. The DFEH realleges and incorporates by reference each and every allegation  
18 contained in paragraphs 1 through 186, inclusive, as if fully set forth herein.

19 188. The ADA, 42 U.S.C. § 12102(4)(E)(1)(i)(I), requires that "any determination of  
20 whether an impairment substantially limits a major life activity shall be made without regard to the  
21 ameliorative effects of mitigating measures such as medication." The ADA is incorporated into the  
22 Unruh Act by Civil Code section 51, subdivision (f).

23 189. By requiring applicants to take the medication prescribed for their disabilities while  
24 being evaluated for accommodations or explain their failure or refusal to do so, LSAC violates the  
25 rights of class members under the FEHA, Unruh Act, and ADA,

26

27



1 190. As a direct result of the unlawful practices of defendants as alleged herein, class  
2 members have incurred out of pocket losses, including test registration fees and medical bills, in an  
3 amount to be proven at trial.

4 191. As a further and direct result of the unlawful practices of defendants as alleged herein,  
5 class members have suffered emotional distress, anxiety, lost opportunity, frustration, humiliation,  
6 and loss of dignity and self-esteem, in an amount to be proven at trial.

7 192. Defendants have engaged in, and by their refusal to comply with the law, have  
8 demonstrated that they will continue to engage in, the pattern and practice of unlawful discrimination  
9 described herein unless and until they are enjoined, pursuant to the police power granted by  
10 Government Code sections 12920 and 12920.5, and pursuant to section 12974, from failing or  
11 refusing to comply with the mandates of the FEHA, Unruh Act, and the ADA. Unless and until  
12 defendants are enjoined from failing or refusing to comply with the mandates of these laws, class  
13 members' right to full and equal access to places of public accommodation will continue to be  
14 violated. Plaintiff lacks any plain, speedy, adequate remedy at law to prevent such harm, injury and  
15 loss, which will continue until the court enjoins the complained of unlawful conduct and grants other  
16 affirmative relief as prayed for herein.

#### 17 **SECOND CLASS CAUSE OF ACTION**

##### 18 **Failure to Ensure that Exam Measures Ability Rather than Disability**

19 **(42 U.S.C. § 12189 and 28 C.F.R. § 36.309)**

20 193. The DFEH realleges and incorporates by reference each and every allegation  
21 contained in paragraphs 1 through 186, inclusive, as if fully set forth herein.

22 194. The ADA requires that any person offering examinations related to post-secondary  
23 education or profession "shall offer such examinations or courses in a place and manner accessible to  
24 persons with disabilities." (42 U.S.C. § 12189.) Regulations interpreting this section impose an  
25 obligation on the entity offering such an examination that "[t]he examination is selected and  
26 administered so as to best ensure that, when the examination is administered to an individual with a  
27 disability that impairs sensory, manual, or speaking skills, the examination results accurately reflect



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State of California  
Std. 113 Rev. 3-08  
FESH Automated

1 the individual's aptitude or achievement level or whatever other factor the examination purports to  
 2 measure, rather than reflecting the individual's impaired sensory, manual, or speaking skills." (28  
 3 C.F.R. § 36.309.)

4 195. By adhering to a blanket policy of annotating scores taken under extended time  
 5 conditions, defendant is communicating to law schools that it does not know whether or not the  
 6 applicants' exam results accurately reflect aptitude or achievement. Therefore, LSAC is breaching its  
 7 duty under the FEHA, Unruh Act, and ADA to ensure that the examination results accurately reflect  
 8 the individual's aptitude or achievement level. (28 C.F.R. § 36.309(b)(1)(i).)

9 196. As a direct result of the unlawful practices of defendants as alleged herein, class  
 10 members have incurred out of pocket losses, including test registration fees and medical bills, in an  
 11 amount to be proven at trial.

12 197. As a further and direct result of the unlawful practices of defendants as alleged herein,  
 13 class members have suffered emotional distress, anxiety, lost opportunity, frustration, humiliation,  
 14 and loss of dignity and self-esteem, in an amount to be proven at trial.

15 198. Defendants have engaged in, and by their refusal to comply with the law, have  
 16 demonstrated that they will continue to engage in, the pattern and practice of unlawful discrimination  
 17 described herein unless and until they are enjoined, pursuant to the police power granted by  
 18 Government Code sections 12920 and 12920.5, and pursuant to section 12974, from failing or  
 19 refusing to comply with the mandates of the FEHA, Unruh Act, and the ADA. Unless and until  
 20 defendants are enjoined from failing or refusing to comply with the mandates of these laws, class  
 21 members' right to full and equal access to places of public accommodation will continue to be  
 22 violated. Plaintiff lacks any plain, speedy, adequate remedy at law to prevent such harm, injury and  
 23 loss, which will continue until the court enjoins the complained of unlawful conduct and grants other  
 24 affirmative relief as prayed for herein.



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 FEH Automated



**THIRD CLASS CAUSE OF ACTION**

**Coercion, Intimidation, Threats, or Interference with ADA Rights - Flagging**

(42 U.S.C. § 12203)

199. The DFEH realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 186, inclusive, as if fully set forth herein.

200. The ADA makes it unlawful to "coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, any right granted or protected by this Act." (42 U.S.C. § 12203.)

201. LSAC's policy of annotating tests scores administered under extended time conditions discourages applicants from seeking such an accommodation, and punishes those who receive it, in violation of the FEHA, Unruh Act, and ADA.

202. As a direct result of the unlawful practices of defendants as alleged herein, class members have incurred out of pocket losses, including test registration fees and medical bills, in an amount to be proven at trial.

203. As a further and direct result of the unlawful practices of defendants as alleged herein, class members have suffered emotional distress, anxiety, lost opportunity, frustration, humiliation, and loss of dignity and self-esteem, in an amount to be proven at trial.

204. Defendants have engaged in, and by their refusal to comply with the law, have demonstrated that they will continue to engage in, the pattern and practice of unlawful discrimination described herein unless and until they are enjoined, pursuant to the police power granted by Government Code sections 12920 and 12920.5, and pursuant to section 12974, from failing or refusing to comply with the mandates of the FEHA, Unruh Act, and the ADA. Unless and until defendants are enjoined from failing or refusing to comply with the mandates of these laws, class members' right to full and equal access to places of public accommodation will continue to be violated. Plaintiff lacks any plain, speedy, adequate remedy at law to prevent such harm, injury and loss, which will continue until the court enjoins the complained of unlawful conduct and grants other affirmative relief as prayed for herein.





1 **FOURTH CAUSE OF ACTION – REAL PARTIES IN INTEREST ONLY**

2 **Denial of Reasonable Accommodation**

3 **(42 U.S.C. § 12189 and 28 C.F.R. § 36.309(b)(1)(iv))**

4 205. The DFEH realleges and incorporates by reference each and every allegation  
5 contained in paragraphs 1 through 186, inclusive, as if fully set forth herein.

6 206. The ADA requires that any person offering examinations related to post-secondary  
7 education or profession "shall offer such examinations or courses in a place and manner accessible to  
8 persons with disabilities." (42 U.S.C. § 12189.) As part of this duty to make an examination  
9 accessible, the regulations require that any documentation requested be "reasonable and limited to the  
10 need for the modification, accommodation, or auxiliary aid or service requested." (28 C.F.R. §  
11 36.309(b)(1)(iv).)

12 207. LSAC breached its duty to make the LSAT accessible to people with disabilities by  
13 requiring excessive amounts of documentation and denying a reasonable accommodation to each real  
14 party in interest, in violation of the FEHA, Unruh Act, and ADA.

15 208. As a direct result of the unlawful practices of defendants as alleged herein, real parties  
16 have incurred out of pocket losses, including test registration fees and medical bills, in an amount to  
17 be proven at trial.

18 209. As a further and direct result of the unlawful practices of defendants as alleged herein,  
19 real parties have suffered emotional distress, anxiety, lost opportunity, frustration, humiliation, and  
20 loss of dignity and self-esteem, in an amount to be proven at trial.

21 210. Defendants have engaged in, and by their refusal to comply with the law, have  
22 demonstrated that they will continue to engage in, the pattern and practice of unlawful discrimination  
23 described herein unless and until they are enjoined, pursuant to the police power granted by sections  
24 12920 and 12920.5, and pursuant to section 12974, from failing or refusing to comply with the  
25 mandates of the FEHA, Unruh Act, and the ADA. Unless and until defendants are enjoined from  
26 failing or refusing to comply with the mandates of these laws, class members' right to full and equal  
27 access to places of public accommodation will continue to be violated. Plaintiff lacks any plain,

1 speedy, adequate remedy at law to prevent such harm, injury and loss, which will continue until the  
 2 court enjoins the complained of unlawful conduct and grants other affirmative relief as prayed for  
 3 herein.

4 **FIFTH CAUSE OF ACTION – REAL PARTIES IN INTEREST ONLY**

5 **Coercion, Intimidation, Threats, or Interference with ADA Rights**

6 **(42 U.S.C. § 12203)**

7 211. The DFEH realleges and incorporates by reference each and every allegation  
 8 contained in paragraphs 1 through 186, inclusive, as if fully set forth herein.

9 212. The ADA makes it unlawful to “coerce, intimidate, threaten, or interfere with any  
 10 individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed,  
 11 any right granted or protected by this Act.” (42 U.S.C. § 12203.)

12 213. LSAC’s policies and patterns of requiring unreasonable types and excessive amounts  
 13 of documentation to support each accommodation request violate the FEHA, Unruh Act, and the  
 14 ADA, by unlawfully coercing, intimidating, threatening, or interfering with real parties’ exercise or  
 15 enjoyment of their right to reasonable accommodation on the LSAT.

16 214. As a direct result of the unlawful practices of defendants as alleged herein, real parties  
 17 have incurred out of pocket losses, including test registration fees and medical bills, in an amount to  
 18 be proven at trial.

19 215. As a further and direct result of the unlawful practices of defendants as alleged herein,  
 20 real parties have suffered emotional distress, anxiety, lost opportunity, frustration, humiliation, and  
 21 loss of dignity and self-esteem, in an amount to be proven at trial.

22 216. Defendants have engaged in, and by their refusal to comply with the law, have  
 23 demonstrated that they will continue to engage in, the pattern and practice of unlawful discrimination  
 24 described herein unless and until they are enjoined, pursuant to the police power granted by  
 25 Government Code sections 12920 and 12920.5, and pursuant to section 12974, from failing or  
 26 refusing to comply with the mandates of the FEHA, Unruh Act, and the ADA. Unless and until  
 27 defendants are enjoined from failing or refusing to comply with the mandates of these laws, class



1 members' right to full and equal access to places of public accommodation will continue to be  
 2 violated. Plaintiff lacks any plain, speedy, adequate remedy at law to prevent such harm, injury and  
 3 loss, which will continue until the court enjoins the complained of unlawful conduct and grants other  
 4 affirmative relief as prayed for herein.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, the DFEH prays that the court issue a judgment in favor of the DFEH, real  
 7 parties in interest, and members of the class, and order defendants to provide the following relief:

8 **AS TO REAL PARTIES IN INTEREST**

9 217. Provide free and accommodated testing at the next available testing date in each real  
 10 party's area, with accommodations as initially requested by that real party;

11 218. Provide a letter to each real party explaining that their LSAT scores used for their law  
 12 school applications during the relevant period may not have provided accurate measures of their  
 13 acquired reading and verbal reasoning skills, because LSAC did not reasonably accommodate their  
 14 disabilities.

15 **AS TO ALL MEMBERS OF THE CLASS,**  
 16 **INCLUDING THE REAL PARTIES IN INTEREST**

17 219. Cease and desist from consideration of mitigation measures such as medication when  
 18 making a determination as to whether an applicant needs an accommodation.

19 220. Cease and desist from specially annotating LSAT scores tests scores administered  
 20 under extended time conditions.

21 221. Include all test scores in the percentile ranking process and provide a ranked percentile  
 22 to each test taker.

23 222. Immediately undertake a validation study to determine if LSAC scores under  
 24 accommodation of extra time for cognitive disabilities are an equal measure of aptitude or  
 25 achievement as compared to non-accommodated scores.

26 223. Reduce to a discrete and reasonable amount the documentation required to verify an  
 27 applicant's need for an accommodation, especially for so-called cognitive disabilities, consistent with

1 the ADA's requirement that such documentation be "reasonable" and Congress' mandate that "the  
 2 question of whether an individual's impairment is a disability under the ADA should not demand  
 3 extensive analysis." (28 C.F.R. § 36.309(b)(1)(iv); 42 U.S.C. § 1201 [Pub. L. No. 110-325, § 2(b)(5)  
 4 (Sept. 25, 2008) 122 Stat. 3553].)

5 224. Create a more streamlined and user-friendly process for considering reasonable  
 6 accommodation requests, that includes notice to applicants, within a reasonable period of time,  
 7 whether or not requested accommodations have been granted, and provides a fair process for timely  
 8 reconsideration of any denial of requested accommodations.

9 225. Pay actual damages according to proof for each Unruh Act violation up to a maximum  
 10 of three times the actual damages but in no case less than \$4,000 per violation.

11 226. Provide written proof to the Department of the nature and extent of LSAC's  
 12 compliance with all requirements of the court's order within 100 days of its effective date; and,

13 227. Provide such other relief as the Court deems to be just and proper.  
 14

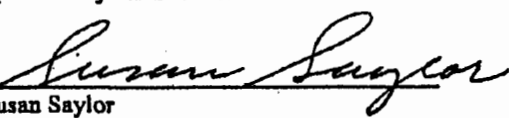
15 Dated: March 15, 2012

DEPARTMENT OF FAIR EMPLOYMENT  
AND HOUSING

17 NELSON CHAN  
Chief Counsel

18 SUSAN SAYLOR  
Special Projects Counsel

21 By:

  
Susan Saylor  
Attorneys for the Department



# EXHIBIT 1



## \* \* \* PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 &amp; 54 \* \* \*

COMPLAINT OF DISCRIMINATION UNDER THE  
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT  
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL  
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54.

DFEH # U200910-0-0003-00

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

ADDRESS

TELEPHONE NUMBER (INCLUDE AREA CODE)

COUNTY

Alameda

COUNTY CODE

001

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT  
DISCRIMINATED AGAINST ME:

NAME(S)

LAW SCHOOL ADMISSIONS COUNCIL

ADDRESS

P.O. Box 8512

TELEPHONE NUMBER (INCLUDE AREA CODE)

(215) 988-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Accommodation COUNTY CODE  
000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE ☐ SEX ☒ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION  
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) April 21, 2010

TYPE OF COMPLAINT

B

THE PARTICULARS ARE:

- I. On or about April 21, 2010, I was denied my reasonable accommodation request for 50% extra testing time when taking my LSAT exam for the Law School Admissions Council which is located at P.O. Box 8512, Newtown, PA 18940.
- II. I believe I was denied my reasonable accommodation request for 50% extra testing time when taking my LSAT exam which is necessary due to my disability (Attention Deficit Disorder) which is a violation Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
  - A. Corporate Council, Joan Van Tol, was aware of my disability and the granting of my accommodation request for 50% additional testing time for a prior test date. However, after I requested an accommodation for 50% additional testing time for the June 6, 2010 exam, my request was denied.

Typed and mailed for signature on May 4, 2010.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

X May 3, 2010

At

X Oakland

City

RECEIVED

MAY 09 2010

COMPLAINANT'S SIGNATURE/GUARDIAN AD LITEM  
DEPT OF FAIR EMPLOYMENT &  
HOUSING-OAKLAND HOUSING UNIT

DFEH-300-02 (12/99)

Q:DS:bps

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED:

STATE OF CALIFC

# EXHIBIT 2

## \* \* \* PUBLIC ACCOMMODATION/RALPH/CIVIL CODE (CTIONS 51.5 &amp; 54 \* \* \*

COMPLAINT OF DISCRIMINATION UNDER THE  
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT  
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL  
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # E-200910-G-0012-00-p

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

Jones, Nicholas E. (Mr)

ADDRESS

73213 Catalina Way

TELEPHONE NUMBER (INCLUDE AREA CODE)

(760) 409-9103

CITY/STATE/ZIP

Palm Desert, ca 92260

COUNTY

Riverside

COUNTY CODE

065

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT  
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

Post Office Box 8512

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newton, PA 18940-8512

COUNTY

Out-of-State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE☐ SEX☒ DISABILITY☐ RELIGION☐ NATIONAL ORIGIN/ANCESTRY☐ SEXUAL ORIENTATION☐ COLOR☐ AGE☐ MARITAL STATUS☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) December 5, 2009

TYPE OF COMPLAINT

B

THE PARTICULARS ARE:

- I. On or about December 5, 2009 I was denied reasonable accommodation to take the LSAT test for the Law School Admissions Council.
- II. On or about October 27, 2009 and November 9, 2009 I received notification my request for reasonable accommodation had been denied.
- III. I believe I was denied reasonable accommodation because of my disabilities (Amblyopia/Posterior Vitreous Detachment) and because of my membership in a class of people who are disabled. This is a violation of Section 12948 of the Government Code. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
  - A. On or about October 20, 2009 I requested a reasonable accommodation to take the LSAT test scheduled for December 5, 2009.
  - B. On or about October 27, 2009 I received notification the documentation I provided did not reflect an impairment related to taking the LSAT and I remained registered to test as a standard test taker.
  - C. On or about November 3, 2009 I requested reconsideration regarding my accommodation request by providing additional information requested by LSAC to justify my need for reasonable accommodation.

## \* \* \* PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTION 54 \* \* \*

COMPLAINT OF DISCRIMINATION UNDER THE  
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT  
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL  
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U-200910-G-0012-00-p

## COMPLAINANT

Jones, Nicholas E. (Mr.)

## RESPONDENT

Law School Admissions Council, Inc. (LSAC)

## THE PARTICULARS ARE:

D. On or about November 9, 2009 I received notification the additional documentation was reviewed and there was no change in their decision and my request for reasonable accommodation was denied.

IV. I am making this complaint on behalf of myself and all other disabled individuals, who have been, are now, or will in the future be similarly aggrieved.

Pg. 2 of 2

RECEIVED

Typed and mailed for signature on January 11, 2010 JAN 21 2010

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

1/14/2010

NICHOLAS E. JONES

COMPLAINANT'S SIGNATURE

At

PALM DESERT, CA

City

COMPLAINANT'S SIGNATURE/GUARDIAN AD LITEM

DFEH-300-02 (12/99)

SJ:AL:eo

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED: JAN 21 2010

STATE OF CALIFORNIA

# EXHIBIT 3



1 SUSAN SAYLOR (#154592)  
 2 Acting Chief Counsel  
 3 ALEXANDRA SELDIN (#239708)  
 4 Staff Counsel  
 5 DEPARTMENT OF FAIR EMPLOYMENT  
 6 AND HOUSING  
 7 2218 Kausen Drive, Suite 100  
 8 Elk Grove, CA 95758  
 9 Telephone No.: (619) 645-2575  
 10 Facsimile: (619) 645-3170  
 11 Attorneys for the Department

12 **BEFORE THE FAIR EMPLOYMENT AND HOUSING COMMISSION**  
 13 **OF THE STATE OF CALIFORNIA**

14 In the Matter of the Complaint of  
 15 THE DEPARTMENT OF FAIR  
 16 EMPLOYMENT AND HOUSING,

Case Nos. U-200910-G-0012-00-p  
 U-200910-G-0011-00-p  
 U-200910-Q0003-00

17 vs.

18 LAW SCHOOL ADMISSION COUNCIL,  
 19 INC.,

**NOTICE OF CLASS ACTION  
 COMPLAINT AND DIRECTOR'S  
 COMPLAINT**

20 Respondent,

(Gov. Code §§ 12960, 12961 and 12965,  
 subd. (a).)

21 HAMID MICHAEL HEJAZI; NICHOLAS E.  
 22 JONES; and [REDACTED]

23 Complainants.

24 TO LAW SCHOOL ADMISSION COUNCIL, INC., 662 Penn Street, Box 40, Newton,  
 25 Pennsylvania, 18940:

26 PLEASE TAKE NOTICE that pursuant to Government Code sections 12960 and 12961, the  
 27 Director of the DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING (hereinafter "the  
 Department") has determined that the cases listed below will be treated and proceed as a group or  
 class complaint for all purposes, and the Director has issued the following Complaint of  
 Discrimination on behalf of the group or class described below:



-1-

*DFEH v. Law School Admission Council, Inc. (Hejazi, et. al.):*  
 Notice of Class Action Complaint

1 Case number U-200910-G-0011-00-p, filed by Complainant HAMID MICHAEL HEJAZI  
2 against Respondent LAW SCHOOL ADMISSION COUNCIL, INC. on January 19, 2010.

3 Case number U-200910-G-0012-00-p, filed by Complainant NICHOLAS E. JONES against  
4 Respondent LAW SCHOOL ADMISSION COUNCIL, INC. on January 21, 2010.

5 Case number U-200910-Q0003-00, filed by Complainant [REDACTED] against  
6 Respondent LAW SCHOOL ADMISSION COUNCIL, INC. on May 9, 2010.

7 The Director's determination and issuance is based on the following:

8 1. Complainants HAMID MICHAEL HEJAZI, NICHOLAS E. JONES and [REDACTED]  
9 [REDACTED] (hereinafter "Complainants") filed individual verified complaints in writing with the  
10 Department on the dates herein indicated alleging that Respondent LAW SCHOOL ADMISSION  
11 COUNCIL, INC. (hereinafter "LSAC") engaged in unlawful practices against them which were  
12 discriminatory on the basis of disability, in violation of the Fair Employment and Housing Act  
13 ("FEHA"), Government Code section 12900, *et. seq.* and the Unruh Civil Rights Act, Civil Code  
14 section 51.

15 2. The Department's investigation revealed that LSAC is a proper respondent for all  
16 purposes in this matter.

17 3. The group or class of which the Complainants are members is comprised of all  
18 disabled individuals in the State of California who have or will request a reasonable  
19 accommodation for the Law School Admission Test ("LSAT"), administered by the LSAC, and  
20 who have or will be unlawfully denied such request from January 19, 2009 to the conclusion of the  
21 Department's investigation of this complaint.

22 4. There are common questions of law and fact involved which affect the parties to be  
23 represented and those persons similarly situated in that during the course of the Department's  
24 investigation the Complainants provided and the Department obtained information, which, if  
25 proven, indicates that LSAC unlawfully denied or denies disabled individuals reasonable  
26 accommodations for the LSAT. Respondent disputes some of these allegations. The Department  
27 will continue the investigation to determine the merits of these allegations.



1        5.     The nature of the group or class is such that proof of a single set of facts will  
2 establish the right of each member of the group to recover.

3        6.     The Director will fairly and accurately represent the interests of the group or class.

4        7.     You may, but need not, respond to this notification in writing by submitting your  
5 response to:

6             Alexandra Seldin  
7             Special Investigations Unit Administrator  
8             Department of Fair Employment and Housing  
9             2218 Kausen Drive, Suite 100  
10            Elk Grove, CA 95758

11        DATED: July 22, 2010

12                             DEPARTMENT OF FAIR EMPLOYMENT  
13                             AND HOUSING

14                             PHYLLIS W. CHENG  
15                             Director

16             By: Phyllis W. Cheng

17                             Phyllis W. Cheng



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State of California  
Std. 113 Rev. 3-96  
F&H Authorized

-3-

*DFEH v. Law School Admission Council, Inc. (Hejazi, et. al.);*  
Notice of Class Action Complaint

# EXHIBIT 4

## \* \* \* PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 &amp; 54 \* \* \*

COMPLAINT OF DISCRIMINATION UNDER THE  
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT  
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL  
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U 201112 H-0007-00-p

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

JOHNSON, ALEX (MR.)

ADDRESS

1447 La Linda Drive

TELEPHONE NUMBER (INCLUDE AREA CODE)

760-738-0119

CITY/STATE/ZIP

San Marcos, CA 92078

COUNTY

San Diego

COUNTY CODE

073

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT  
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

862 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-988-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE☐ SEX☒ DISABILITY☐ RELIGION☐ NATIONAL ORIGIN/ANCESTRY☐ SEXUAL ORIENTATION☐ COLOR☐ AGE☐ MARITAL STATUS☐ OTHER: (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) September 17, 2010

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. On or about 9/17/10 I was denied the reasonable accommodation needed to take the LSAT (Law School Admissions Test).
- II. No reason was given for partial denial of my reasonable accommodation and the granting of inadequate/ineffective accommodations.
- III. I believe I was denied reasonable accommodation, which is necessary due to my disability (Quadriplegia), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
  - A. On or about 8/6/10 I advised the Accommodated Testing section of my medical need for accommodation in the form of using a computer for all sections of the test, 120 extra minutes on each section of the test, alternate to scantron answer sheet, use of amanuensis (to turn pages), additional rest period and breaks. I also provided supporting medical documentation to confirm the accommodations were medically necessary.
  - B. On or about 9/17/10 I was notified that part of my requested accommodation was being denied. The accommodations that were granted were inadequate and ineffective.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on August 23, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

8.26.11

COMPLAINANT'S SIGNATURE

At

Lake San Marcos  
City

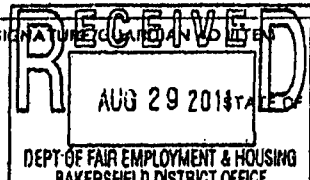
COMPLAINANT'S SIGNATURE

DFEH-300-02 (12/99)

B:PND

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED

DEPT OF FAIR EMPLOYMENT & HOUSING  
RAVECHIE H DISTRICT OFFICE



# EXHIBIT 5

## \* \* \* PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 &amp; 54 \* \* \*

COMPLAINT OF DISCRIMINATION UNDER THE  
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT  
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL  
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U 201112 H-0008-00-p

COMPLAINANT'S NAME(S) (Indicate Mr., or Ms., if individual)

[REDACTED]

ADDRESS

[REDACTED]

TELEPHONE NUMBER (INCLUDE AREA CODE)

XXX-XXX-XXXX

CITY/STATE/ZIP

[REDACTED]

COUNTY

San Diego

COUNTY CODE

073

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT  
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LASC)

ADDRESS

662 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE ☐ SEX ☐ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION  
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) October 31, 2010

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. On or about 10/31/2010 I was denied the reasonable accommodation of adequate additional time to take the LSAT (Law School Admissions Test) and adequate break periods.
- II. No reason was given for partial denial of my reasonable accommodation.
- III. I believe I was denied reasonable accommodation in the form of additional test taking time and break periods, which is necessary due to my disabilities (ADD (Attention Deficit Disorder), Lamiere's Syndrome with Brain edema resulting in brain processing speed impairment), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
  - A. On or about early 10/2010 I advised the Accommodated Testing section of my medical need for additional test taking time and break periods. I also provided supporting medical documentation.
  - B. On or about 10/31/10 I was notified that my requested accommodation was being denied. I was granted in sufficient additional time to take test sections. I was not granted sufficient break period to administer vital medication.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on August 22, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief.

Dated

8/26/2011

At

Rancho Santa Fe CA

City

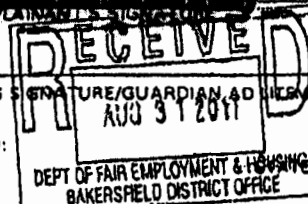
COMPLAINANT'S SIGNATURE/GUARDIAN AD LITEM

DATE FILED:

DFEH-300-02 (12/99)

B:PND

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



# EXHIBIT 6

## \* \* \* PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 &amp; 54 \* \* \*

COMPLAINT OF DISCRIMINATION UNDER THE  
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT  
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL  
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U 201112 H-0013-00-p

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

HENNESSEY-SEVERSON, ELIZABETH (MS.)

1-603-667-5459

ADDRESS

1067 Oak Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

XXX-XXX-XXXX

CITY/STATE/ZIP

San Francisco, CA 92101

COUNTY

San Francisco

COUNTY CODE

075

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT  
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

662 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE☐ SEX☒ DISABILITY☐ RELIGION☐ NATIONAL ORIGIN/ANCESTRY☐ SEXUAL ORIENTATION☐ COLOR☐ AGE☐ MARITAL STATUS☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) May 10, 2011

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. From on or about 4/29/11 I was denied the reasonable accommodation of adequate additional time to take the LSAT (Law School Admissions Test).
- II. No reason was given for denial of my reasonable accommodation.
- III. I believe I was denied reasonable accommodation in the form of additional test taking time, which is necessary due to my disabilities (Anxiety, Processing Disorder, Learning Disorder, Attention Deficit-Hyperactivity Disorder (ADHD)), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
  - A. On or about 4/27/11 I advised the Accommodated Testing section of my medical need for additional test taking time as well additional breaks in between test sections. I also provided supporting medical documentation.
  - B. On or about 4/29/11 and again 5/10/11 I was notified that my requested accommodation was being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on September 14, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

9/22/2011

At

San Francisco

City

COMPLAINANT'S SIGNATURE

COMPLAINANT'S SIGNATURE/GUARDIAN AD LITEM

DATE FILED:

SEP 26 2011

STATE OF CALIFORNIA

DFEH-300-02 (12/98)

B:PND

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

# EXHIBIT 7



## \* \* \* PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 &amp; 54 \* \* \*

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U 201112 H-0018-00-p

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

LEE, CAROLINE FAVROT (MS.)

ADDRESS

676 Alcatraz Avenue

TELEPHONE NUMBER (INCLUDE AREA CODE)

510-655-1768

CITY/STATE/ZIP

Oakland, CA 94609

COUNTY

Alameda

COUNTY CODE

001

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

662 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOXES)

☐ RACE ☐ SEX ☒ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION  
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) April 28, 2011

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. From on or about 10/2010 I was denied reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. No adequate reason was given for denial of my reasonable accommodation.
- III. I believe I was denied reasonable accommodation, which is necessary due to my disabilities (Learning Disabilities & Processing Disabilities), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
  - A. On or about 10/2010 I advised the Accommodated Testing section of my medical need for reasonable accommodation. I also provided supporting medical documentation.
  - B. Most recently on or about 4/28/11 I was notified that my requested accommodation was being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on September 28, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

Sept 29 2011

At

Oakland

City

COMPLAINANT'S SIGNATURE

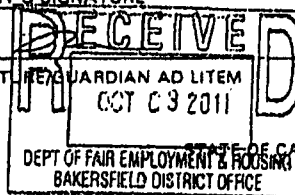
COMPLAINANT'S SIGNATURE

DATE FILED:

DFEH-300-02 (12/99)

B:PND

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



# EXHIBIT 8

10/06/2011 05:19 5186429828

SLAS EOP

PAGE 82/84

## \* \* \* PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 &amp; 54 \* \* \*

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U 201112 H-0021-00-p

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

BANKS, RAYMOND (MR.)

ADDRESS

P. O. Box 188881

TELEPHONE NUMBER (INCLUDE AREA CODE)

XXX-XXX-XXXX

CITY/STATE/ZIP

San Francisco, CA 94115

COUNTY

San Francisco

COUNTY CODE

075

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

682 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-988-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE☐ SEX☐ DISABILITY☐ RELIGION☐ NATIONAL ORIGIN/ANCESTRY☐ SEXUAL ORIENTATION☐ COLOR☐ AGE☐ MARITAL STATUS☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) January 31, 2011

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. On or about January 2011 I was denied the reasonable accommodation of adequate additional time to take the LSAT (Law School Admissions Test).
- II. No reason was given for denial of my reasonable accommodation.
- III. I believe I was denied reasonable accommodation in the form of additional test taking time, which is necessary due to my disabilities (Nerve and Muscle damage in left shoulder/arm), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
  - A. On or about January 2011 I advised the Accommodated Testing section of my medical need for additional test taking time. I also provided supporting medical documentation.
  - B. On or about January 2011 I was notified that my requested accommodation was being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on August 28, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.


Dated

10/6/11

At

San Francisco

City



COMPLAINANT'S SIGNATURE

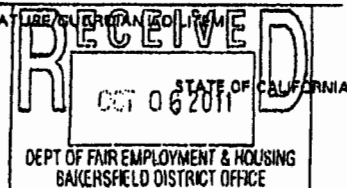
COMPLAINANT'S SIGNATURE

DFEH-300-02 (12/99)

B:PND

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED:



# EXHIBIT 9

## \* \* \* PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 &amp; 54 \* \* \*

COMPLAINT OF DISCRIMINATION UNDER THE  
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT  
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL  
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U 201112 H-0023-00-p

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

TALESHPOUR, GAZELLE (MS.)

ADDRESS

6756 Bestwood Court

TELEPHONE NUMBER (INCLUDE AREA CODE)

XXX-XXX-XXXX

CITY/STATE/ZIP

San Diego, CA 92119

COUNTY

San Diego

COUNTY CODE

073

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT  
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

662 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE☐ SEX☒ DISABILITY☐ RELIGION☐ NATIONAL ORIGIN/ANCESTRY☐ SEXUAL ORIENTATION☐ COLOR☐ AGE☐ MARITAL STATUS☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) December 6, 2010

TYPE OF COMPLAINT

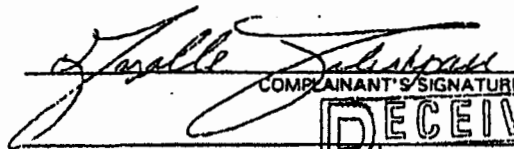
Unruh

THE PARTICULARS ARE:

- I. Most recently on or about 12/6/10 I was denied the reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. No adequate reason was given for denial of my reasonable accommodation.
- III. I believe I was denied reasonable accommodation in the form of additional test taking time, which is necessary due to my disabilities (Dyslexia, ADHD, Complications due to bone marrow transplant), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
  - A. On or about 2008 and again starting in 7/2010 I advised the Accommodated Testing section of my medical need for reasonable accommodations. I also provided supporting medical documentation.
  - B. Most recently on or about 12/8/10 I was notified that at least part of my requested accommodation was being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on September 30, 2011. Corrected and re-mailed October 7, 2011.

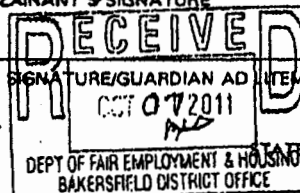
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated Oct 7th, 2011At \_\_\_\_\_  
City


COMPLAINANT'S SIGNATURE

COMPLAINANT'S SIGNATURE/GUARDIAN AD LITEM

DATE FILED:

DFEH-300-02 (12/99) B:PND  
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



# EXHIBIT 10

## \*\*\* PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 &amp; 54 \*\*\*

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # \_\_\_\_\_

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

ADDRESS \_\_\_\_\_ TELEPHONE NUMBER (INCLUDE AREA CODE) \_\_\_\_\_

CITY/STATE/ZIP \_\_\_\_\_ COUNTY \_\_\_\_\_ COUNTY CODE XXX-XXX-XXXX

Out of State \_\_\_\_\_ 000

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT DISCRIMINATED AGAINST ME:

NAME(S) \_\_\_\_\_

Law School Admissions Council, Inc. (LSAC) \_\_\_\_\_

ADDRESS \_\_\_\_\_ TELEPHONE NUMBER (INCLUDE AREA CODE) \_\_\_\_\_

862 Penn Street \_\_\_\_\_ 215-968-1001

CITY/STATE/ZIP \_\_\_\_\_ COUNTY \_\_\_\_\_ COUNTY CODE

Newtown, PA 18940 \_\_\_\_\_ Out of State \_\_\_\_\_ 000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOXES)

☐ RACE ☐ SEX ☐ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY) \_\_\_\_\_

DATE MOST RECENT OR CONTINUING DISCRIMINATION \_\_\_\_\_ TYPE OF COMPLAINT

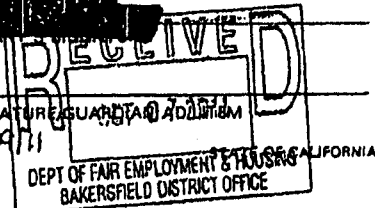
TOOK PLACE (month, day, and year) October 21, 2010 \_\_\_\_\_ Unruh

THE PARTICULARS ARE:

- I. On or about 10/21/10 I was denied the reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. The reason cited for denying my request for reasonable accommodation was that documentation did not support that my condition limited a major life activity.
- III. I believe I was denied reasonable accommodation, which is necessary due to my disabilities (Attention Deficit—Hyperactivity Disorder [ADHD] and Learning Disabilities), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
  - A. On or about 8/2010 I advised the Accommodated Testing section of my medical need for reasonable accommodations. I also provided supporting medical documentation.
  - B. Most recently on or about 10/21/10 I was notified that my requested accommodations were being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on September 27, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 09/27/2011At Scottsdale, AZDFEH-300-02 (12/99) B:PND  
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSINGCOMPLAINANT'S SIGNATURE \_\_\_\_\_  
DATE FILED: 9/29/11

# EXHIBIT 11

## PUBLIC ACCOMMODATION/RALPH/CIVIL CODE PROVISIONS 51.5 &amp; 54

COMPLAINT OF DISCRIMINATION UNDER THE  
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT  
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL  
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U 201112 H-0025-00-p

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

SEMOS, STEPHEN (MR.)

ADDRESS

6512 Monero Drive

TELEPHONE NUMBER (INCLUDE AREA CODE)

310-544-2993

CITY/STATE/ZIP

Rancho Palos Verdes, CA 90275

COUNTY

Los Angeles

COUNTY CODE

037

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT  
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

662 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE☐ SEX☒ DISABILITY☐ RELIGION☐ NATIONAL ORIGIN/ANCESTRY☐ SEXUAL ORIENTATION☐ COLOR☐ AGE☐ MARITAL STATUS☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) February 28, 2011

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. Most recently on or about February 2011 I was denied reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. No adequate reasons were given for denial of my reasonable accommodation.
- III. I believe I was denied reasonable accommodation which is necessary due to my disabilities ((Epilepsy, ADD (Attention Deficit Disorder) and Gertsman Syndrome), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
  - A. On or about 2008, 11/2010 and 12/21/10 I advised the Accommodated Testing section of my medical need for accommodation. I also provided supporting medical documentation.
  - B. Most recently on or about February 2011 I was notified that my requested accommodation was being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on September 30, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

9-30-2011 10-5-2011

Stephen Semos

COMPLAINANT'S SIGNATURE

At

City

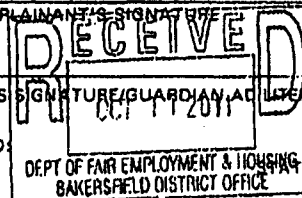
COMPLAINANT'S SIGNATURE/GUARDIAN AD LITEM

DATE FILED

DFEH-300-02 (12/99)

8:PND

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



# EXHIBIT 12



## \* \* \* PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 &amp; 54 \* \* \*

COMPLAINT OF DISCRIMINATION UNDER THE  
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT  
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL  
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U 201112 H-0027-00-p

COMPLAINANT'S NAME(S) (Include Mr. or Ms., if individual)  
DECOMO-SCHMITT, RODNEY ALEXANDERADDRESS  
4579 Paradise DriveTELEPHONE NUMBER (INCLUDE AREA CODE)  
XXX-XXX-XXXXCITY/STATE/ZIP  
Tiburon, CA 94920COUNTY  
MarinCOUNTY CODE  
041NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT  
DISCRIMINATED AGAINST ME:NAME(S)  
Law School Admissions Council, Inc. (LSAC)ADDRESS  
662 Penn StreetTELEPHONE NUMBER (INCLUDE AREA CODE)  
215-968-1001CITY/STATE/ZIP  
Newtown, PA 18940COUNTY  
Out of StateCOUNTY CODE  
000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE ☐ SEX ☐ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION  
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TYPE OF COMPLAINT  
Unruh

TOOK PLACE (month, day, and year) October 25, 2010

THE PARTICULARS ARE:

- I. Most recently on or about 10/25/10 I was denied reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. LSAC stated that the documentation submitted did not support that my condition limited a major life activity.
- III. I believe I was denied reasonable accommodation in the form of additional test taking time, which is necessary due to my disabilities (Learning Disability—Reading Processing Problem), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
  - A. On or about 9/2010 I advised the Accommodated Testing section of my medical need for reasonable accommodation. I also provided supporting medical documentation.
  - B. Most recently on or about 10/25/10 I was notified that my requested accommodation was being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on October 13, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 10.13.11



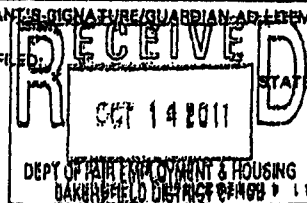
COMPLAINANT'S SIGNATURE

At Tiburon, California  
City

COMPLAINANT'S SIGNATURE/GUARDIAN AD LITEM

DFEH-300-02 (12/89) B:PND  
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED



STATE OF CALIFORNIA

DEPT OF FAIR EMPLOYMENT & HOUSING  
OAKLAND DISTRICT OFFICE

900/200 P 80111

# EXHIBIT 13

\* \* \* PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 & 54 \* \* \*

U 201112 H-0028-00-p

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # \_\_\_\_\_

COMPLAINANT'S NAME(S) (Indicate Mr. or Mrs. if individual)

GROSSMAN, ANDREW "ANDY" (MR.)

ADDRESS

14780 Farwell Avenue

TELEPHONE NUMBER (INCLUDE AREA CODE)

408-741-5859

CITY/STATE/ZIP

San Jose, CA 95070

COUNTY

San Jose

COUNTY CODE

085

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT DISCRIMINATED AGAINST ME:

DETAILS:

Law School Admissions Council, Inc. (LSAC)

ADDRESS

662 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-988-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOXES)

☐ RACE

☐ SEX

☐ DISABILITY

☐ RELIGION

☐ NATIONAL ORIGIN/ANCESTRY

☐ SEXUAL ORIENTATION

☐ COLOR

☐ AGE

☐ MARITAL STATUS

☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

YEAR PLACE (month, day, and year) November 30, 2010

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. Most recently on or about 11/2010 I was denied reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. No reason was given for the partial denial of my reasonable accommodation.
- III. I believe I was denied reasonable accommodation which is necessary due to my disabilities (Traumatic Brain Injury and Depression/Anxiety Disorder), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
  - A. On or about 7/2010 or 8/2010 I advised the Accommodated Testing section of my medical need for reasonable accommodation. I also provided supporting medical documentation.
  - B. Most recently on or about 11/2010 I was notified that part of my requested accommodation was being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on October 10, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

10/13/11

COMPLAINANT'S SIGNATURE

At

San Jose

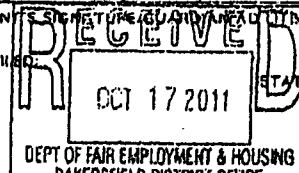
COMPLAINANT'S SIGNATURE (GUARDIAN AD LITEM)

DFEH-300-02 (12/98)

B:PNB

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED



STATE OF CALIFORNIA

DEPT OF FAIR EMPLOYMENT & HOUSING

# EXHIBIT 14

## \* \* \* PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 &amp; 54 \* \* \*

U 201112 H-0029-00-p

DFEH #

COMPLAINT OF DISCRIMINATION UNDER THE  
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT  
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL  
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

COMPLAINANT'S NAME(S) (indicate Mr. or Ms., if individual)

COLLINS, KEVIN M. (MR.)

ADDRESS

23140 Victory Blvd.

TELEPHONE NUMBER (INCLUDE AREA CODE)

818-348-4200

CITY/STATE/ZIP

Woodland Hills, CA 91367

COUNTY

Los Angeles

COUNTY CODE

037

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT  
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

662 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-988-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOXES)

☐ RACE☐ SEX☒ DISABILITY☐ RELIGION☐ NATIONAL ORIGIN/ANCESTRY☐ SEXUAL ORIENTATION☐ COLOR☐ AGE☐ MARITAL STATUS☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) March 14, 2011

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. On or about 1/18/11 and most recently on 3/14/11 I was denied reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. The denial on 1/18/11 was allegedly due to insufficient documentation. No reason was given for the partial denial of my requested reasonable accommodation on 3/14/11.
- III. I believe I was denied reasonable accommodation which is necessary due to my disabilities (Gifted Learning disability: Reading Disorder and Written Expression Disorder), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
  - A. Beginning on or about 12/10/10 I advised the Accommodated Testing section of my medical need for reasonable accommodation. I also provided supporting medical documentation.
  - B. On or about 1/18/11 I was notified that my requested accommodation was not being granted even though I believe that all necessary supporting documentation had been submitted.
  - C. Most recently on 3/14/11 I was notified that part of my requested accommodation was being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on October 19, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my Information and belief and as to those matters I believe it to be true.

Dated

10/23/11

At

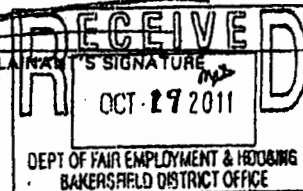
Los Angeles  
City

DFEH-300-02 (12/99)

B:PND

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED:





# EXHIBIT 15

## \* \* \* PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 &amp; 54 \* \* \*

COMPLAINT OF DISCRIMINATION UNDER THE  
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT  
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL  
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54U 201112 H-0031-00-p  
DFEH # \_\_\_\_\_COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)  
IOAN, OTILIA (MS.)ADDRESS TELEPHONE NUMBER (INCLUDE AREA CODE)  
5305 Harwood Road XXX-XXX-XXXX  
CITY/STATE/ZIP COUNTY COUNTY CODE  
San Jose, CA 95124 Santa Clara 085NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT  
DISCRIMINATED AGAINST ME:NAME(S)  
Law School Admissions Council, Inc. (LSAC)  
ADDRESS TELEPHONE NUMBER (INCLUDE AREA CODE)  
662 Penn Street 215-968-1001  
CITY/STATE/ZIP COUNTY COUNTY CODE  
Newtown, PA 18940 Out of State 000CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOXES)  
☐ RACE ☐ SEX ☐ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION  
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY)DATE MOST RECENT OR CONTINUING DISCRIMINATION TYPE OF COMPLAINT  
TOOK PLACE (month, day, and year) November 17, 2010 Unruh

THE PARTICULARS ARE:

- I. On or about 11/17/10 I was denied reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. No reason was given for denial of my reasonable accommodation.
- III. I believe I was denied reasonable accommodation which is necessary due to my disability (Spinal Chord Injury--Quadriplegia), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
  - A. On or about 8/2010 I advised the Accommodated Testing section of my medical need for reasonable accommodation. I also provided supporting medical documentation.
  - B. On or about 11/17/10 I was notified that part of my requested accommodation was being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

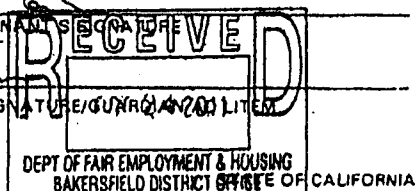
Typed and mailed for signature on September 27, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 10/26/11

At San Jose  
CityCOMPLAINANT'S SIGNATURE  
OTILIA  
COMPLAINANT'S SIGNATURE/UNRUH LITIGANTDFEH-300-02 (12/99) B:PND  
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED:



# EXHIBIT 16

## \*\*\* PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 &amp; 54 \*\*\*

COMPLAINT OF DISCRIMINATION UNDER THE  
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT  
AND HOUSING ACT WHICH INCORPORATES THE UNRUH-CIVIL  
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U 201112 H-0032-00-p

COMPLAINANT'S NAME(S) and title Mr. or Mrs. if individual

QUAN, ANDREW (MR.)

ADDRESS

4023 Oak Manor Court

TELEPHONE NUMBER (INCLUDE AREA CODE)

CITY/STATE/ZIP

Hayward, CA 94542

COUNTY

Alameda

XXX-XXX-XXXX

COUNTY CODE

0001

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT  
DISCRIMINATED AGAINST ME:

NAME(S)

Low School Admissions Council, Inc. (LSAC)

ADDRESS

682 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-868-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOXES)

☐ RACE☐ SEX☐ DISABILITY☐ RELIGION☐ NATIONAL ORIGIN/ANCESTRY☐ SEXUAL ORIENTATION☐ COLOR☐ AGE☐ MARITAL STATUS☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) September 13, 2011

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. Most recently on or about 9/13/11 I was denied reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. No reason was given for denial of my requested reasonable accommodations.
- III. I believe I was denied reasonable accommodation in the form of additional test taking time, which is necessary due to my disabilities (Hypotonia, Dysgraphia, ADHD, Visual Processing Disorder, and back injury), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
  - A. On or about 9/2011 I advised the Accommodated Testing section of my medical need for reasonable accommodations. I also provided supporting medical documentation.
  - B. Most recently on or about 9/13/11 I was notified that my requested accommodations were being denied.

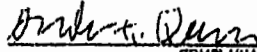
IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and noted for signature on October 7, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

10-26-2011



COMPLAINANT'S SIGNATURE

At

City

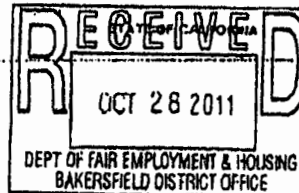
COMPLAINANT'S SIGNATURE/GUARDIAN AD LITEM

DFEH-300-02 (12/88)

B/PND

DATE FILED:

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



# EXHIBIT 17



## \* \* \* PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 &amp; 54 \* \* \*

COMPLAINT OF DISCRIMINATION UNDER THE  
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT  
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL  
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U 201112 H-0035-00-p

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

WHITNEY, AUSTIN (MR.)

ADDRESS

1050 Miller Avenue

TELEPHONE NUMBER (INCLUDE AREA CODE)

XXX-XXX-XXXX

CITY/STATE/ZIP

Berkeley, CA 94708

COUNTY

Alameda

COUNTY CODE

001

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT  
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

662 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOXES)

☐ RACE☐ SEX☒ DISABILITY☐ RELIGION☐ NATIONAL ORIGIN/ANCESTRY☐ SEXUAL ORIENTATION☐ COLOR☐ AGE☐ MARITAL STATUS☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) September 21, 2011

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. On or about 9/21/11 I was denied reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. No reason was given for denial of my reasonable accommodation.
- III. I believe I was denied reasonable accommodation in which is necessary due to my disabilities (Spinal Chord Injury—paraplegia, chronic/neuropathic pain), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
  - A. On or about 8/28/11 I advised the Accommodated Testing section of my medical need for reasonable accommodation. I also provided supporting medical documentation.
  - B. On or about 9/21/11 I was notified that part of my requested accommodation was being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on October 28, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

At

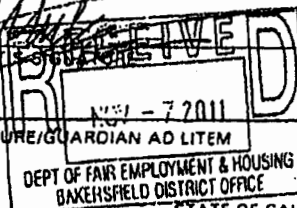
11/5/11  
Berkeley CA  
City

COMPLAINANT'S SIGNATURE

COMPLAINANT'S SIGNATURE/GUARDIAN AD LITEM

DFEH-300-02 (12/99) B:PND  
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED:



# EXHIBIT 18

## \* \* \* PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 &amp; 54 \* \* \*

COMPLAINT OF DISCRIMINATION UNDER THE  
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT  
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL  
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U 201112 H-0033-00-p

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)  
VIELBAUM, KEVIN (MR.)ADDRESS  
812 Foothill Drive  
CITY/STATE/ZIP  
San Mateo, CA 94402  
COUNTY  
San Mateo  
TELEPHONE NUMBER (INCLUDE AREA CODE)  
XXX-XXX-XXXX  
COUNTY CODE  
081NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT  
DISCRIMINATED AGAINST ME:NAME(S)  
Law School Admissions Council, Inc. (LSAC)  
ADDRESS  
662 Pann Street  
CITY/STATE/ZIP  
Newtown, PA 18940  
COUNTY  
Out of State  
TELEPHONE NUMBER (INCLUDE AREA CODE)  
215-968-1001  
COUNTY CODE  
000CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))  
☐ RACE ☐ SEX ☐ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION  
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY)DATE MOST RECENT OR CONTINUING DISCRIMINATION  
TOOK PLACE (month, day, and year) May 12, 2011  
TYPE OF COMPLAINT  
Unruh

THE PARTICULARS ARE:

- I. Most recently on or about 5/12/11 I was denied reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. No adequate reason was given for denial of my reasonable accommodation.
- III. I believe I was denied reasonable accommodation which is necessary due to my disabilities (Dyslexia—Learning Disabilities), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
  - A. On or about March 2011 I advised the Accommodated Testing section of my medical need for reasonable accommodation. I also provided supporting medical documentation.
  - B. On or about 4/28/11 my initial request for accommodation was denied in total. Most recently on or about 5/12/11 I was notified that part of my requested accommodation was being denied.

IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on November 4, 2011.

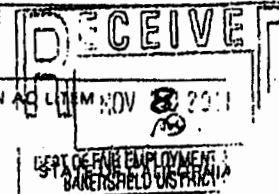
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 11/08/11

At San Mateo, CA  
City

COMPLAINANT'S SIGNATURE

COMPLAINANT'S SIGNATURE/GUARDIAN

DFEH-300-02 (12/89) 8:PND  
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED:

# EXHIBIT 19

1 CASE NAME: DFEH v. Law School Admission Council, Inc.  
 2 (Austin Whitney, et al., Complainants)

3 CASE NOS.: U-201112-H-0021-00-p, U-201112-H-0008-00-p, U-201112-H-0029-00-p,  
 4 U-201112-H-0027-00-p, U-200910-Q-0003-00-p, U-201112-H-0018-00-p,  
 5 U-201112-H-0028-00-p, U-201112-H-0014-00-p,  
 6 U-201112-H-0013-00-p, U-201112-H-0031-00-p, U-201112-H-0007-00-p,  
U-200910-G-0012-00-p, U-201112-H-0032-00-p, U-201112-H-0025-00-p,  
U-201112-H-0023-00-p, U-201112-H-0033-00-p, and U-201112-H-0035-00-p

7 **RESPONDENT'S NOTICE OF TRANSFER OF PROCEEDINGS TO COURT**

8 I am a Respondent in this matter. I elect to transfer this proceeding to court in lieu of a  
 9 hearing before the Fair Employment and Housing Commission, pursuant to Government Code  
 10 section 12965, subdivision (c)(1).

11 Dated: 2-22-12

12 Julie Capell  
 13 Respondent's/Representative's Signature

14 Respondent(s) [Please print]

15 Julie Capell, Attorney for Law School  
 16 Representative [Please print] Admission Council, Inc.

17 Address of Respondent, or if  
 18 represented, address of Representative

19 Fulbright & Jaworski L.P.  
 20 555 S. Flower Street, 41st floor  
 21 Street

22 Los Angeles, CA 90071

23 City State Zip

24 (813) 392-9800

25 Telephone number of Respondent, or if  
 26 represented, telephone number of Representative

27 -6-



DFEH v. Law School Admission Council, Inc. (Whitney, et al.)  
 Statement to Respondent; Notice of Impending Hearing; and Notice to Transfer Proceedings to Court





ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Susan Saylor (#154592) Department of Fair Employment and Housing Legal Division 39141 Civic Center Drive, Suite 410 Fremont, CA 94538 TELEPHONE NO.: (510) 622-2941 FAX NO.: (916) 478-7331 ATTORNEY FOR (Name): Dept of Fair Employment and Housing		FILED ALAMEDA COUNTY MAR 15 2012 Bruce Barbero Exec. Off/Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: Rene C. Davidson Courthouse CASE NAME: DFEH v. Law School Admission Council, Inc.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER: 12321479 JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (48) <b>Other P/PI/D/W/D (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/PI/D/W/D (23) <b>Non-P/PI/D/W/D (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input checked="" type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/PI/D/W/D tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
---	--	---

2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input checked="" type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input checked="" type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): five

5. This case ☒ is ☐ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: March 15, 2012  
 Susan Saylor (#154592)  
 (TYPE OR PRINT NAME)

*Susan Saylor*  
 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

Form Adopted for Mandatory Use  
 Judicial Council of California  
 CM-010 [Rev. July 1, 2007]

CIVIL CASE COVER SHEET

Legal  
 Solutions  
 & Plus

Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740;  
 Cal. Standards of Judicial Administration, std. 3.10

BY FAX



## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

## Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

## Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (not asbestos or toxic/environmental) (24)  
Medical Malpractice (45)  
Medical Malpractice—Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

## Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (not medical or legal)  
Other Non-PI/PD/WD Tort (35)  
Employment  
Wrongful Termination (38)  
Other Employment (15)

## Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)  
Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (not provisionally complex) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

## Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

## Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

## Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor  
Commissioner Appeals

## Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

## Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (non-domestic relations)  
Sister State Judgment  
Administrative Agency Award (not unpaid taxes)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

## Miscellaneous Civil Complaint

RICO (27)  
Other Complaint (not specified above) (42)  
Declaratory Relief Only  
Injunctive Relief Only (non-harassment)  
Mechanics Lien  
Other Commercial Complaint Case (non-tort/non-complex)  
Other Civil Complaint (non-tort/non-complex)

## Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition (not specified above) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief from Late Claim  
Other Civil Petition

## Unified Rules of the Superior Court of California, County of Alameda

## F. ADDENDUM TO CIVIL CASE COVER SHEET

Short Title:	DFEH v. Law School Admission Council, Inc.	Case Number:
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## CIVIL CASE COVER SHEET ADDENDUM

THIS FORM IS REQUIRED IN ALL NEW <u>UNLIMITED</u> CIVIL CASE FILINGS IN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA			
		[ ] Hayward Hall of Justice (447)	
<input checked="" type="checkbox"/> Oakland, Rene C. Davidson Alameda County Courthouse (446)		[ ] Pleasanton, Gale-Schenone Hall of Justice (448)	
Civil Case Short Title	County Case Type	Alameda County Case Type (check only one)	
Auto Tort	Auto tort (22)	[ ] 34 Auto tort (G) Is this an uninsured motorist case? [ ] yes [ ] no	
Other PI / PD / WD Tort	Asbestos (04)	[ ] 75 Asbestos (D)	
	Product liability (24)	[ ] 89 Product liability (not asbestos or toxic tort/environmental) (G)	
	Medical malpractice (45)	[ ] 97 Medical malpractice (G)	
	Other PI/PD/WD tort (23)	[ ] 33 Other PI/PD/WD tort (G)	
Non - PI / PD / WD Tort	Bus tort / unfair bus. practice (07)	[ ] 79 Bus tort / unfair bus. practice (G)	
	Civil rights (08)	<input checked="" type="checkbox"/> 80 Civil rights (G)	
	Defamation (13)	[ ] 84 Defamation (G)	
	Fraud (16)	[ ] 24 Fraud (G)	
	Intellectual property (19)	[ ] 87 Intellectual property (G)	
	Professional negligence (25)	[ ] 59 Professional negligence - non-medical (G)	
	Other non-PI/PD/WD tort (35)	[ ] 03 Other non-PI/PD/WD tort (G)	
Employment	Wrongful termination (36)	[ ] 38 Wrongful termination (G)	
	Other employment (15)	[ ] 85 Other employment (G)	
		[ ] 53 Labor comm award confirmation	
		[ ] 54 Notice of appeal - L.C.A.	
Contract	Breach contract / Wrnty (08)	[ ] 04 Breach contract / Wrnty (G)	
	Collections (09)	[ ] 81 Collections (G)	
	Insurance coverage (18)	[ ] 86 Ins. coverage - non-complex (G)	
	Other contract (37)	[ ] 98 Other contract (G)	
Real Property	Eminent domain / Inv Cdm (14)	[ ] 18 Eminent domain / Inv Cdm (G)	
	Wrongful eviction (33)	[ ] 17 Wrongful eviction (G)	
	Other real property (26)	[ ] 36 Other real property (G)	
Unlawful Detainer	Commercial (31)	[ ] 94 Unlawful Detainer - commercial	
	Residential (32)	[ ] 47 Unlawful Detainer - residential	
	Drugs (38)	[ ] 21 Unlawful detainer - drugs Is the deft. in possession of the property? [ ] Yes [ ] No	
Judicial Review	Asset forfeiture (05)	[ ] 41 Asset forfeiture	
	Petition re: arbitration award (11)	[ ] 62 Pet. re: arbitration award	
	Writ of Mandate (02)	[ ] 49 Writ of mandate	
	Other judicial review (39)	Is this a CEQA action (Publ.Res.Code section 21000 et seq) [ ] Yes [ ] No [ ] 64 Other judicial review	
Provisionally Complex	Antitrust / Trade regulation (03)	[ ] 77 Antitrust / Trade regulation	
	Construction defect (10)	[ ] 82 Construction defect	
	Claims involving mass tort (40)	[ ] 78 Claims involving mass tort	
	Securities litigation (28)	[ ] 91 Securities litigation	
	Toxic tort / Environmental (30)	[ ] 93 Toxic tort / Environmental	
	Ins covrg from cmplx case type (41)	[ ] 95 Ins covrg from complex case type	
Enforcement of Judgment	Enforcement of judgment (20)	[ ] 19 Enforcement of judgment	
		[ ] 08 Confession of judgment	
Misc Complaint	RICO (27)	[ ] 90 RICO (G)	
	Partnership / Corp. governance (21)	[ ] 88 Partnership / Corp. governance (G)	
	Other complaint (42)	[ ] 68 All other complaints (G)	
Misc. Civil Petition	Other petition (43)	[ ] 06 Change of name	
		[ ] 69 Other petition	

202-19 (5/1/00)

A-13







# SUMMONS (CITACION JUDICIAL)

## NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

LAW SCHOOL ADMISSION COUNCIL, INC., a Delaware tax exempt corporation, and DOES ONE through TEN, inclusive

## YOU ARE BEING SUED BY PLAINTIFF:

### (LO ESTÁ DEMANDANDO EL DEMANDANTE):

THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING, an agency of the State of California

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**FILED**  
ALAMEDA COUNTY

MAR 15 2012

By Gracia Barbero Exec. Off./Clerk

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **(AVISO!)** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en este corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presente su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

ALAMEDA COUNTY SUPERIOR COURT  
1225 Fallon Street  
Oakland, CA 94612

CASE NUMBER:  
(Número del caso):

106 12621479

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Susan Saylor (#154592) (510) 622-2941  
Department of Fair Employment and Housing-Legal Division  
39141 Civic Center Drive, Suite 410  
Fremont, CA 94538

DATE:

(Fecha) MAR 15 2012

Pat S. Sweeten Clerk, by

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**NOTICE TO THE PERSON SERVED:** You are served

1. ☐ as an individual defendant.

2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): Law School Admission Council, Inc.

under: ☒ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

4. ☐ by personal delivery on (date):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)



Form Adopted for Mandatory Use  
Judicial Council of California  
SUM-100 (Rev. July 1, 2009)

**SUMMONS**

Legal  
Solutions  
& Plus

Page 1 of 1  
Code of Civil Procedure §§ 412.20, 465

SUM-200(A)

SHORT TITLE: DFEH v. Law School Admission Council, Inc.

CASE NUMBER:

## INSTRUCTIONS FOR USE

- ➔ This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- ➔ If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff    ☐ Defendant    ☐ Cross-Complainant    ☐ Cross-Defendant

## REAL PARTIES IN INTEREST:

JOHN DOE, JANE DOE, PETER ROE, RAYMOND BANKS, KEVIN COLLINS, RODNEY DECOMO-SCHMITT, ANDREW GROSSMAN, ELIZABETH HENNESSEY-SEVERSON, OTILIA IOAN, ALEX JOHNSON, NICHOLAS JONES, CAROLINE LEE, ANDREW QUAN, STEPHEN SEMOS, GAZELLE TALESHPOUR, KEVIN VIELBAUM, AUSTIN WHITNEY, and all other similarly situated individuals,

Page \_\_\_\_\_ of \_\_\_\_\_  
Page 1 of 1







**FILED**  
ALAMEDA COUNTY

MAR 15 2012

By Guia Barrios File Clerk

1 NELSON CHAN (#109272)  
Chief Counsel  
2 SUSAN SAYLOR (#154592)  
Special Projects Counsel  
3 DEPARTMENT OF FAIR EMPLOYMENT  
AND HOUSING  
4 39141 Civic Center Drive, Suite 410  
Fremont, CA 94538  
5 Telephone: (510) 622-2941

6 Attorneys for the DFEH  
[Filing fee exempt, Gov. Code, § 6103]

**BY FAX**

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**IN AND FOR THE COUNTY OF ALAMEDA**

11 THE DEPARTMENT OF FAIR  
EMPLOYMENT AND HOUSING, an agency of  
12 the State of California,

Plaintiff,

14 vs.

15 LAW SCHOOL ADMISSION COUNCIL, INC.,  
a Delaware tax exempt corporation, and DOES  
16 ONE through TEN, inclusive,

Defendants.)

18 JOHN DOE, JANE DOE, PETER ROE,  
19 RAYMOND BANKS, KEVIN COLLINS,  
RODNEY DECOMO-SCHMITT, ANDREW  
20 GROSSMAN, ELIZABETH HENNESSEY-  
SEVERSON, OTILIA IOAN, ALEX JOHNSON,  
21 NICHOLAS JONES, CAROLINE LEE,  
ANDREW QUAN, STEPHEN SEMOS,  
22 GAZELLE TALESHPOUR, KEVIN  
VIELBAUM, AUSTIN WHITNEY, and all other  
23 similarly situated individuals,

Real Parties in Interest.)

Case No. 12 62 1479

**NOTICE OF MOTION AND MOTION TO  
PROCEED USING FICTITIOUS NAMES**

Date: 5/15/12  
Time: 10:30  
Dept. 31

-1-



COURT PAPER  
State of California  
Std. 113 Rev. 3-86  
F&H Automated

*Dept. Fair Empl & Hous. v. Law School Admission Council, Inc. (Whitney)*  
Notice of Motion and Motion to Proceed Using Fictitious Names

1 **TO ALL NAMED PARTIES AND THEIR ATTORNEY OF RECORD:**

2 The DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING will, on \_\_\_\_\_,  
 3 2012, at \_\_\_\_\_, in Department \_\_\_\_\_, located at \_\_\_\_\_, or as soon  
 4 thereafter as the matter can be heard, move this court for an order permitting the Department to  
 5 proceed with its Group and Class Action Complaint for Damages and Injunctive Relief using  
 6 fictitious names for three of the real parties in interest.

7 This motion will be made on the ground that exceptional circumstances justify the use of  
 8 fictitious names to protect the true identity of these three real parties in interest because of the highly  
 9 sensitive and personal nature of their disabilities and the potential injury to their professional  
 10 reputation should such information be publicly disclosed. (*Doe v. Lincoln Unified School Dist.* (2010)  
 11 188 Cal. App. 4th 758, 767.) The motion will be based on this notice, the attached points and  
 12 authorities, and declarations of Susan Saylor, Jane Doe, and Peter Roe.

13  
 14 Dated: March 15, 2012

DEPARTMENT OF FAIR EMPLOYMENT  
 AND HOUSING

15  
 16 NELSON CHAN  
 Chief Counsel

17  
 18 SUSAN SAYLOR  
 Special Projects Counsel

19  
 20 By: *Susan Saylor*  
 Susan Saylor  
 Attorneys for the Department  
 21  
 22  
 23  
 24  
 25  
 26  
 27





**FILED**  
ALAMEDA COUNTY

MAR 15 2012

By

*Gracia Barera* /Clerk

1 NELSON CHAN (#109272)  
Chief Counsel  
2 SUSAN SAYLOR (#154592)  
Special Projects Counsel  
3 DEPARTMENT OF FAIR EMPLOYMENT  
AND HOUSING  
4 39141 Civic Center Drive, Suite 410  
Fremont, CA 94538  
5 Telephone: (510) 622-2941

6 Attorneys for the DFEH  
[Filing fee exempt, Gov. Code, § 6103]

**BY FAX**

8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **IN AND FOR THE COUNTY OF ALAMEDA**

11 THE DEPARTMENT OF FAIR EMPLOYMENT  
AND HOUSING, an agency of the State of  
12 California,

13 Plaintiff,

14 vs.

15 LAW SCHOOL ADMISSION COUNCIL, INC.,  
a Delaware tax exempt corporation, and DOES  
16 ONE through TEN, inclusive,

17 Defendants.)

18 JOHN DOE, JANE DOE, PETER ROE,  
19 RAYMOND BANKS, KEVIN COLLINS,  
20 RODNEY DECOMO-SCHMITT, ANDREW  
GROSSMAN, ELIZABETH HENNESSEY-  
21 SEVERSON, OTILIA IOAN, ALEX JOHNSON,  
NICHOLAS JONES, CAROLINE LEE,  
22 ANDREW QUAN, STEPHEN SEMOS,  
GAZELLE TALESHPOUR, KEVIN  
23 VIELBAUM, AUSTIN WHITNEY, and all other  
similarly situated individuals,

24 Real Parties in Interest.)

Case No.

*NO* 12621479

MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
MOTION TO PROCEED USING  
FICTITIOUS NAMES

Date: 5-15-12

Time: 1030

Dept. 31



COURT PAPER  
State of California  
Std. 113 Rev. 3-05  
FE&H Automated

-1-

*Dept. Fair Empl & Hous. v. Law School Admission Council, Inc. (Whitney et al.)*  
Memorandum of Points and Authorities in Support of Motion to Proceed Using Fictitious Names

1 I. INTRODUCTION

2 By this motion, the Department of Fair Employment and Housing (DFEH) asks the court to  
3 exercise its discretion to allow three of the real parties in interest to proceed anonymously, using the  
4 fictitious names of John Doe, Jane Doe, and Peter Roe. The use of fictitious names would protect  
5 these real parties' privacy interest in information about their disability and medical condition, and  
6 also guard against potential harm to reputation and retaliation in the legal industry. No prejudice to  
7 the opposing party would occur, because the Law School Admissions Council, Inc. (LSAC) already  
8 possesses the information that these real parties wish to keep private.

9 II. PROCEDURAL HISTORY

10 After investigating LSAC's practices in granting and denying reasonable accommodation on  
11 the Law School Admission Test (LSAT), the DFEH filed an administrative accusation before the  
12 Fair Employment and Housing Commission on February 6, 2012 and an amended accusation on  
13 February 17, 2012. (Declaration of Susan Saylor in Support of Motion to Proceed Using Fictitious  
14 Names (Saylor Dec.), ¶ 3.) LSAC elected to transfer this matter to superior court, and the DFEH is  
15 filing this motion concurrently with its Group and Class Action Complaint for Damages and  
16 Injunctive Relief.

17 III. FACTS

18 The Group and Class Action Complaint alleges that LSAC denied reasonable  
19 accommodation to 17 separately identified real parties in interest, and further discriminated against a  
20 class of applicants for reasonable accommodation on the LSAT, from January 19, 2009 to February  
21 6, 2012. Three of the 17 real parties in interest have requested that the Department seek permission  
22 for them to participate in this litigation anonymously. (Saylor Dec., ¶¶ 2-6.) These real parties have  
23 expressed concerns about their privacy in information pertaining to their disability, and are also  
24 fearful of discrimination in their future careers should the facts about their reasonable  
25 accommodation requests be made public. (*Ibid.*)

26 //

27 //

1 IV. ARGUMENT

2 The DFEH requests the court's permission to proceed with its litigation on behalf of three  
3 real parties in interest using the fictitious names John Doe, Jane Doe, and Peter Roe. Although party  
4 names are usually required in any pleading (Code Civ. Pro., § 422.40), parties are sometimes  
5 permitted to proceed under fictitious names where "exceptional circumstances" exist. (*Doe v.*  
6 *Lincoln Unified School Dist.* (2010) 188 Cal.App.4th 758, 767.) This is one of those exceptional  
7 situations where fictitious names should be allowed.

8 A. FICTITIOUS NAMES SHOULD BE PERMITTED DUE TO THE PERSONAL  
9 AND SENSITIVE NATURE OF THE REAL PARTIES IN INTERESTS'  
10 DISABILITIES

11 Parties have been allowed to proceed under fictitious names where the subject matter of the  
12 dispute is highly sensitive and personal, such that public disclosure would inflict an irreparable  
13 injury. In *Doe v. Lincoln Unified School Dist.*, *supra*, 188 Cal.App.4th at p. 767, a school teacher  
14 bringing a challenge to the school district's determination that she was mentally unfit was permitted  
15 to proceed under a pseudonym. Other examples include a patient suing a laboratory after acquiring  
16 HIV from a reused needle, and a sperm donor who was accused of failing to disclose his family  
17 history of kidney disease. (*Jane Doe 8015 v. Superior Court* (2007) 148 Cal.App.4th 489 [HIV];  
18 *Johnson v. Superior Court* (2000) 80 Cal.App.4th 1050, 1072 [kidney disease].) California courts  
19 have recognized that, where sensitive, disability-related information is concerned, the use of  
20 pseudonyms is appropriate.

21 Here, John Doe, Jane Doe, and Peter Roe all sought a reasonable accommodation on the  
22 LSAT due to their disabilities. (Group and Class Action Complaint for Damages and Injunctive  
23 Relief, ¶¶ 58-66 [John Doe], 67-73 [Jane Doe], and 74-80 [Peter Roe].) The Department's complaint  
24 explains that both Jane and John Doe have Attention Deficit Disorder (ADD). (Complaint, ¶¶ 59 and  
25 68.) Peter Roe has learning disabilities. (Complaint, ¶¶ 75.) In California, information about a  
26 litigant's disability is personal and private. (Cal. Const., art. I, § 1; *Johnson v. Superior Court*, *supra*,  
27 80 Cal.App.4th at p. 1068 ["[I]t is well settled that the zone of privacy created by [the California  
Constitution] extend[s] to the details of a patient's medical and psychiatric history"].) Real parties

1 should not be forced to disclose closely held information about their disability in order to assert their  
2 right to receive reasonable accommodation.

3 **B. REAL PARTIES' NEED FOR ANONYMITY OUTWEIGHS ANY**  
4 **PREJUDICE TO THE PUBLIC OR OPPOSING PARTY**

5 The use of three pseudonyms in this case will not prejudice LSAC or impair the public's  
6 right to know. Federal courts have adopted a balancing test between the need for anonymity and the  
7 public interest in open proceedings. As the court explained in *Does I thru XXIII v. Advanced Textile*  
8 *Corp.* (9th Cir. 2000) 214 F.3d 1058, 1068, "a party may preserve his or her anonymity in judicial  
9 proceedings in special circumstances when the party's need for anonymity outweighs prejudice to  
10 the opposing party and the public's interest in knowing the party's identity." Here, LSAC already  
11 possesses real parties' personal information because defendant requires it in order to consider any  
12 request for reasonable accommodation. The public's need to know will be satisfied by the fact that  
13 most of the other real parties have chosen to proceed under their true names. On balance, real parties  
14 John Doe, Jane Doe, and Peter Roe should be allowed to proceed anonymously.

15 **C. REAL PARTIES HAVE A LEGITIMATE FEAR OF FURTHER**  
16 **DISCRIMINATION SHOULD THEIR IDENTITIES BE REVEALED**

17 Fictitious names will also protect real parties from further discrimination as they pursue their  
18 dream to practice law. In *Does I thru XXIII v. Advanced Textile Corp.*, where the plaintiffs requested  
19 to use fictitious names out of a fear of future retaliation from their employer, the court identified  
20 three relevant factors in determining whether the use of pseudonyms were appropriate: "(1) the  
21 severity of the threatened harm, (2) the reasonableness of the anonymous party's fears, and (3) the  
22 anonymous party's vulnerability to such retaliation." (*Does I thru XXIII v. Advanced Textile Corp.*,  
23 *supra* 214 F.3d 1058, 1068.) Here, the real parties in interest have requested anonymity out of a  
24 desire to protect their professional reputation as they enter the legal profession, and to eliminate the  
25 possibility that future employers might discriminate against them. (Saylor Dec., ¶¶ 3-5.) Each of  
26 these concerns is concrete and legitimate. Especially in this age of internet-accessible information,  
27 real parties' concerns should be addressed by the use of fictitious names. "The judicial use of 'Doe  
plaintiffs' to protect legitimate privacy rights has gained wide currency, particularly given the

1 rapidity and ubiquity of disclosures over the World Wide Web." (*Starbucks Corp. v. Sup. Ct.* (2008)  
 2 168 Cal.App.4th 1436, 1453.) These real parties should be allowed to assert their right to  
 3 accommodation without suffering any future impairment in their inability to practice law.

4 The age of the parties seeking anonymity is also a factor. (*James v. Jacobson* (4th Cir. 1993)  
 5 6 F.3d 233, 238.) John Doe, Jane Doe, and Peter Roe are young adults seeking only to complete their  
 6 education; discretion should be exercised in favor of the use of pseudonyms.

#### 7 V. CONCLUSION

8 Anonymity will protect the privacy interests of real parties and prevent harm to reputation  
 9 without impairing defendant's rights or those of the public. For these reasons, the Department  
 10 respectfully requests that the court grant permission for John Doe, Jane Doe, and Peter Roe to  
 11 proceed in this lawsuit under fictitious names.

12  
 13 Dated: March 15, 2012

DEPARTMENT OF FAIR EMPLOYMENT  
 AND HOUSING

14  
 15 NELSON CHAN  
 Chief Counsel

16  
 17 SUSAN SAYLOR  
 Special Projects Counsel

18  
 19 By: *Susan Saylor*  
 20 Susan Saylor  
 Attorneys for the Department



COURT PAPER  
 State of California  
 Std. 113 Rev. 3-98  
 F&H Automated

-5-

*Dept. Fair Empl & Hous. v. Law School Admission Council, Inc.* (Whitney et al.)  
 Memorandum of Points and Authorities in Support of Motion to Proceed Using Fictitious Names





**FILED**  
ALAMEDA COUNTY

MAR 15 2012

*Gracia Baker*

By

1 NELSON CHAN (#109272)  
Chief Counsel  
2 SUSAN SAYLOR (#154592)  
Special Projects Counsel  
3 DEPARTMENT OF FAIR EMPLOYMENT  
AND HOUSING  
4 39141 Civic Center Drive, Suite 410  
Fremont, CA 94538  
5 Telephone: (510) 622-2941

6 Attorneys for the DFEH  
[Filing fee exempt, Gov. Code, § 6103]

**BY FAX**

8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **IN AND FOR THE COUNTY OF ALAMEDA**

10  
11 THE DEPARTMENT OF FAIR EMPLOYMENT)  
AND HOUSING, an agency of the State of  
12 California,

13 Plaintiff,

14 vs.

15 LAW SCHOOL ADMISSION COUNCIL, INC., )  
a Delaware tax exempt corporation, and DOES )  
16 ONE through TEN, inclusive, )

17 Defendants.)

18  
19 JOHN DOE, JANE DOE, PETER ROE,  
RAYMOND BANKS, KEVIN COLLINS,  
20 RODNEY DECOMO-SCHMITT, ANDREW  
GROSSMAN, ELIZABETH HENNESSEY-  
SEVERSON, OTILIA IOAN, ALEX JOHNSON, )  
21 NICHOLAS JONES, CAROLINE LEE,  
ANDREW QUAN, STEPHEN SEMOS, )  
22 GAZELLE TALESHPOUR, KEVIN  
VIELBAUM, AUSTIN WHITNEY, and all other )  
23 similarly situated individuals, )

24 Real Parties in Interest.)

Case No. *109* **12621479**

**DECLARATION OF SUSAN SAYLOR  
IN SUPPORT OF MOTION TO  
PROCEED USING FICTITIOUS NAMES**

Date: *5-15-12*  
Time: *11300*  
Dept. *81*



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State of California  
Std. 113 Rev. 3-96  
F&H Automated

-1-

*DFEH v. Law School Admission Council, Inc. (Whitney et al.)*  
Declaration of Susan Saylor in Support of Motion to Proceed Using Fictitious Names

1 I, Susan Saylor, hereby declare:

2 1. I am an attorney at law duly licensed to practice before all the courts of the State of  
3 California, and employed as Special Projects Counsel by plaintiff, the Department of Fair  
4 Employment and Housing (DFEH). I have personal knowledge of the above-captioned case, and if  
5 called upon to testify, I could do so competently.

6 2. The DFEH issued its accusation before the Fair Employment and Housing  
7 Commission on February 6, 2012, and a First Amended Group and Class Accusation on February  
8 17, 2012. After the Law School Admission Council, Inc. (LSAC) notified the DFEH of its desire to  
9 transfer the litigation to superior court, the DFEH contacted all of the real parties with the news. One  
10 real party in interest, identified here as Jane Doe, expressed concerns about having her name  
11 associated with the litigation once it moved into superior court.

12 3. Jane Doe has attention deficit disorder (ADD), for which she has received  
13 accommodations throughout her academic career. Ms. Doe is afraid that, if her real name is used, she  
14 will have more difficulty finding employment in the legal industry. The DFEH informed Ms. Doe  
15 that it might be possible to request that the court allow her to proceed under a fictitious name. Ms.  
16 Doe asked the Department to make such a request on her behalf.

17 4. After investigating the viability of using fictitious names, the DFEH offered each of  
18 its real parties in interest the opportunity to use a pseudonym. One other real party, named here as  
19 John Doe, also asked to proceed anonymously.

20 5. Like Jane Doe, John Doe has ADD and a history of accommodations. He sought  
21 accommodation on the LSAT due to his ADD and also because of a recent and severe illness from  
22 which he is still recovering. Mr. Doe wants this information to remain private. He also fears that his  
23 future career will be negatively impacted if this information is released.

24 6. Peter Roe likewise has learning disorders for which he requested accommodations on  
25 the LSAT. Mr. Roe is currently attending law school in spite of being denied accommodations on the  
26 LSAT, and he wants to retain his privacy rights concerning his diagnosis because of the social  
27 stigma attached that cognitive impairments carry. He is also worried about the impact that the release

-2-

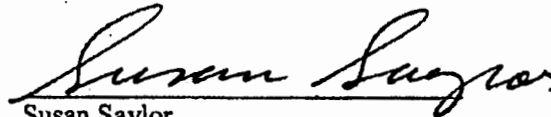


*DFEH v. Law School Admission Council, Inc. (Whitney et al.)*  
Declaration of Susan Saylor in Support of Motion to Proceed Using Fictitious Names

1 of this information would have on his legal career. Mr. Roe has submitted a declaration of his own  
2 requesting to proceed under a fictitious name. I have redacted his signature, which reveals is true  
3 name.

4 I declare under penalty of perjury under the laws of the State of California that the foregoing  
5 is true and correct.

6 Executed on this 15<sup>th</sup> day of March, 2012, at Fremont, California.

7  
8   
9 Susan Saylor



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State of California  
Std. 113 Rev. 3-98  
F&M Automated

-3-

*DFEH v. Law School Admission Council, Inc. (Whitney et al.)*  
Declaration of Susan Saylor in Support of Motion to Proceed Using Fictitious Names



**FILED**  
ALAMEDA COUNTY

MAR 15 2012

By Guia Bakuro Exec. Off/Clerk

NELSON CHAN (#109272)  
Chief Counsel  
SUSAN SAYLOR (#154592)  
Special Projects Counsel  
DEPARTMENT OF FAIR EMPLOYMENT  
AND HOUSING  
39141 Civic Center Drive, Suite 410  
Fremont, CA 94538  
Telephone: (510) 789-1031

Attorneys for the DFEH  
[Filing fee exempt, Gov. Code, § 6103]

**BY FAX**

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF ALAMEDA**

THE DEPARTMENT OF FAIR EMPLOYMENT  
AND HOUSING, an agency of the State of  
California,

Plaintiff,

vs.

LAW SCHOOL ADMISSION COUNCIL, INC.,  
a Delaware tax exempt corporation, and DOES  
ONE through TEN, inclusive,

Defendants.

JOHN DOE, JANE DOE, PETER ROE,  
RAYMOND BANKS, KEVIN COLLINS,  
RODNEY DECOMO-SCHMITT, ANDREW  
GROSSMAN, ELIZABETH HENNESSEY-  
SEVERSON, OTILIA IOAN, ALEX JOHNSON,  
NICHOLAS JONES, CAROLINE LEE,  
ANDREW QUAN, STEPHEN SEMOS,  
GAZELLE TALESHPOUR, KEVIN  
VIELBAUM, AUSTIN WHITNEY, and all other  
similarly situated individuals,

Real Parties in Interest.

Case No. 12621479

**DECLARATION OF PETER ROE IN  
SUPPORT OF MOTION TO PROCEED  
USING FICTITIOUS NAMES**

Date: 5-15-12  
Time: 1030Z  
Dept. 31

-1-

*DFEH v. Law School Admission Council, Inc. (Whitney)*  
Doe Declaration in Support of Motion to Proceed Using Fictitious Names



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State of California  
Std. 113 Rev. 3-98  
FEHM Automated

1 I, Peter Roe, hereby declare:

2 1. I am a full time law student and a real party in interest in this lawsuit against the Law  
3 School Admission Council, Inc. (LSAC). I have personal knowledge of the above-captioned case,  
4 and if called upon to testify, I could do so competently.

5 2. I am 29 years old.

6 3. I have diagnosed with attention deficit hyperactivity disorder (ADHD), a learning  
7 disability, for which I requested reasonable accommodations on the LSAT.

8 4. I believe that LSAC has violated my rights as a person with a disability and I wish to  
9 participate in the lawsuit being handled by the DFEH as a real party in interest. However, I do not  
10 wish to reveal my true name.


11 5. I would like to retain my right to privacy in my diagnosis and related medical  
12 information because of the social stigma that cognitive impairments carry. I have a legitimate belief  
13 that public disclosure of these private facts will influence how I am perceived by others.

14 6. I am also afraid that, if my real name is used in the DFEH lawsuit, it will have a  
15 negative impact on my standing in the legal community because information about my disability  
16 diagnosis, despite its irrelevancy, would likely cause members of the legal profession and prospective  
17 clients to question my skills and abilities as an attorney.

18 7. I would like to participate in this case using a fictitious name.

19 I declare under penalty of perjury under the laws of the State of California that the foregoing  
20 is true and correct.

21 Executed on this 14th day of March, 2012, at Maricopa County in the State of Arizona.

22   
23 Peter Roe  
24 Real Party in Interest







**FILED**  
ALAMEDA COUNTY

MAR 15 2012

Exec. Off. Cl.

By Guise Baker

NELSON CHAN (#109272)  
Chief Counsel  
SUSAN SAYLOR (#154592)  
Special Projects Counsel  
DEPARTMENT OF FAIR EMPLOYMENT  
AND HOUSING  
39141 Civic Center Drive, Suite 410  
Fremont, CA 94538  
Telephone: (510) 789-1031

Attorneys for the DFEH  
[Filing fee exempt, Gov. Code, § 6103]

**BY FAX**

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**IN AND FOR THE COUNTY OF ALAMEDA**

THE DEPARTMENT OF FAIR EMPLOYMENT)  
AND HOUSING, an agency of the State of  
California,

Plaintiff,

vs.

LAW SCHOOL ADMISSION COUNCIL, INC.,  
a Delaware tax exempt corporation, and DOES  
ONE through TEN, inclusive,

Defendants.)

Case No.

12 62 1479

**DECLARATION OF JANE DOE IN  
SUPPORT OF MOTION TO PROCEED  
USING FICTITIOUS NAMES**

Date:

Time:

Dept.

5/15/12

1030B

31

JOHN DOE, JANE DOE, PETER ROE,  
RAYMOND BANKS, KEVIN COLLINS,  
RODNEY DECOMO-SCHMITT, ANDREW  
GROSSMAN, ELIZABETH HENNESSEY-  
SEVERSON, OTILIA IOAN, ALEX JOHNSON,  
NICHOLAS JONES, CAROLINE LEE,  
ANDREW QUAN, STEPHEN SEMOS,  
GAZELLE TALESHPOUR, KEVIN  
VIELBAUM, AUSTIN WHITNEY, and all other  
similarly situated individuals,

Real Parties in Interest.)

I, Jane Doe, hereby declare:



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State of California  
Std. 113 Rev. 9-95  
F&H Automated

-1-

*DFEH v. Law School Admission Council, Inc. (Whitney)*  
One Declaration in Support of Motion to Proceed Using Fictitious Names

1           1.     I am a law student and a real party in interest in this lawsuit against the Law School  
2 Admission Council, Inc. (LSAC). I have personal knowledge of the above-captioned case, and if  
3 called upon to testify, I could do so competently.

4           2.     I am 28 years old.

5           3.     I have been diagnosed with attention deficit disorder (ADD), a learning disability, for  
6 which I requested reasonable accommodations on the LSAT.

7           4.     I believe that LSAC has violated my rights as a person with a disability and I wish to  
8 participate in the lawsuit being handled by the DFEH as a real party in interest. However, I do not  
9 wish to reveal my true name.

10          5.     I would like to retain my right to privacy in my diagnosis and related medical  
11 information because, if made public, I believe that my ability to secure employment in a corporate  
12 law environment will be severely limited. I have reason to believe that a corporate law firm would  
13 find the existence of a learning disability in a prospective applicant to be a disqualifying factor.

14          6.     I am also afraid that, if my real name is used in the DFEH lawsuit, it will have a  
15 negative impact on my career because I believe that the legal profession is one that is generally not  
16 sympathetic to those with disabilities, apparent or not. The firms to which I am applying are  
17 extremely competitive and would likely view my disability as a reason to disqualify my candidacy.

18          7.     I would like to participate in this case using a fictitious name.

19                 I declare under penalty of perjury under the laws of the State of California that the foregoing  
20 is true and correct.

21                 Executed on this 14th day of March, 2012, in New York County in the State of New York.

22                                   
23                                 Jane Doe

24                                 Real Party in Interest



COURT PAPER  
State of California  
Std. 113 Rev. 3-96  
FEAH Automated





Department of Fair Employment And  
Housing  
Attn: Saylor, Susan  
39141 Civic Center Dr.  
Ste 410  
Fremont, CA 94538

Law School Admission Council, Inc.

**Superior Court of California, County of Alameda  
Rene C. Davidson Alameda County Courthouse**

The Department of Fair Employ VS. Law School Admission Council    	Plaintiff/Petitioner(s)    Defendant/Respondent(s) (Abbreviated Title)
--	---

No. RG12621479

**NOTICE OF HEARING**

To each party or to the attorney(s) of record for each party herein:

Notice is hereby given that the above-entitled action has been set for:

Complex Determination Hearing  
Case Management Conference

You are hereby notified to appear at the following Court location on the date and time noted below:

**Complex Determination Hearing:**

DATE: 04/17/2012 TIME: 08:45 AM DEPARTMENT: 21  
LOCATION: Administration Building, Fourth Floor  
1221 Oak Street, Oakland

**Case Management Conference:**

DATE: 05/17/2012 TIME: 08:30 AM DEPARTMENT: 21  
LOCATION: Administration Building, Fourth Floor  
1221 Oak Street, Oakland

Pursuant to California Rules of Court, Rule 3.400 et seq. and Local Rule 3.250 (Unified Rules of the Superior Court, County of Alameda), the above-entitled matter is set for a Complex Litigation Determination Hearing and Initial Complex Case Management Conference.

Department 21 issues tentative rulings on DomainWeb ([www.alameda.courts.ca.gov/domainweb](http://www.alameda.courts.ca.gov/domainweb)). For parties lacking access to DomainWeb, the tentative ruling must be obtained from the clerk at (510) 267-6937. Please consult Rule 3.30(c) of the Unified Rules of the Superior Court, County of Alameda, concerning the tentative ruling procedures for Department 21.

Counsel or party requesting complex litigation designation is ordered to serve a copy of this notice on all parties omitted from this notice or brought into the action after this notice was mailed.

All counsel of record and any unrepresented parties are ordered to attend this Initial Complex Case Management Conference unless otherwise notified by the Court.

Failure to appear, comply with local rules or provide a Case Management Conference statement may result in sanctions. Case Management Statements may be filed by E-Delivery, by emailing them to the following address:

EDelivery@alameda.courts.ca.gov. No fee is charged for this service. For further information, go to Direct Calendar Departments at <http://apps.alameda.courts.ca.gov/domainweb>.

All motions in this matter to be heard prior to Complex Litigation Determination Hearing must be scheduled for hearing in Department 21.

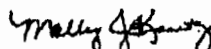
If the information contained in this notice requires change or clarification, please contact the courtroom clerk for Department 21 by e-mail at [Dept.21@alameda.courts.ca.gov](mailto:Dept.21@alameda.courts.ca.gov) or by phone at (510) 267-6937.

TELEPHONIC COURT APPEARANCES at Case Management Conferences may be available by contacting CourtCall, an independent vendor, at least 3 business days prior to the scheduled conference. Parties can make arrangements by calling (888) 882-6878, or faxing a service request form to (888) 883-2946. This service is subject to charges by the vendor.

Dated: 03/16/2012

Executive Officer / Clerk of the Superior Court

By

  
digital

Deputy Clerk

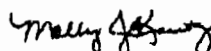
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**CLERK'S CERTIFICATE OF MAILING**

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice by placing copies in envelopes addressed as shown hereon and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 03/16/2012.

By

  
digital

Deputy Clerk





TR - Motion Granted

This Tentative Ruling is issued by Judge Wynne Carvill. The Court designates this case as complex pursuant to Rule 3.400 et seq. of the California Rules of Court. The matter is assigned for all purposes including trial to Department 21 of the Alameda County Superior Court. Counsel are advised to be familiar with the Alameda County Local Rules concerning complex litigation, including Rule 3.250 et seq.

**COMPLEX CASE FEES** Pursuant to Government Code section 70616, any non-exempt party who has appeared in the action but has not paid the complex case fee is required to pay the fee within ten days of the filing of this order. The complex case fee is \$550 for each plaintiff or group of plaintiffs appearing together up to a maximum of \$10,000 for all plaintiffs, and \$550 PER PARTY for each defendant, intervenor, respondent or other adverse party, whether filing separately or jointly, up to a maximum of \$10,000 for all adverse parties. All payments must identify on whose behalf the fee is submitted. Please submit payment to the attention of the Complex Litigation Clerk located in the Civil Division at the René C. Davidson Courthouse, 1225 Fallon Street, Oakland, CA 94612. Please make check(s) payable to the Clerk of the Superior Court.

Documents may continue to be filed as allowed under Local Rule 1.9.

**PROCEDURES** Calendar information, filings, and tentative rulings are available to the public at <http://www.alameda.courts.ca.gov/domainweb/>. All counsel are expected to be familiar and to comply with pertinent provisions of the Code of Civil Procedure, the California Rules of Court, the Alameda County Superior Court Local Rules, and the protocols set forth on the Court's website for Department 21. All motions and ex parte applications shall be noticed for hearing in Department 21. The parties shall reserve hearing dates and times by contacting the Department 21 courtroom clerk via email at [Dept.21@alameda.courts.ca.gov](mailto:Dept.21@alameda.courts.ca.gov). The courtroom clerk can also be contacted by phone at (510) 267-6937, but phone contact should be used very sparingly. E-mail is the preferred method of communication.

Courtesy (bench) copies of all filings should be delivered directly to Dept. 21 and may be left in the drop box when court is in session. The Court may also direct that certain filings be supplemented by an electronic copy (via e-mail to [Dept.21@alameda.courts.ca.gov](mailto:Dept.21@alameda.courts.ca.gov) or by CD-ROM lodged with the clerk in Dept. 21). Any such electronic copy of documents shall be in Microsoft Word readable form (Microsoft Word, Word Perfect, a TIF or JPEG file inserted into a Word file, or any other format that can be saved in a Microsoft Word document). Each separate document (notice, points and authorities, declarations, requests for judicial notice, et al) must be in a separate file in the diskette and the computer files must be identified in a fashion to permit accurate identification by Court personnel (e.g. "Notice.doc," "Points and Authorities.doc," "Li Declaration.doc," "Johnson Declaration.doc," and "Proof of Service.doc," NOT "Quashnot.doc," "briefdraft3.doc," "Defdecl.doc," "Decl2revised.doc," or "Form5.doc.") Electronic media submitted will not be returned.

**CASE MANAGEMENT** At the Initial CCMC, the parties must be prepared to discuss at length the nature of the case, both factually and legally, as well as the projected management



of the case at each stage. This is not a perfunctory exercise. The primary objective of the CCMC is to develop a comprehensive plan for a just, speedy and economical determination of the litigation. Case Management Statements may be filed by E-Delivery, by emailing them to the following address: [EDelivery@alameda.courts.ca.gov](mailto:EDelivery@alameda.courts.ca.gov). No fee is charged for this service. For further information, go to Direct Calendar Departments at <http://apps.alameda.courts.ca.gov/domainweb>. However, courtesy copies of statements must be delivered directly to Dept. 21. The filing and delivery date is not later than five court days before the conference.

The Court strongly prefers joint CCMC statements prepared in narrative form, and not using Form CM-110, after counsel have met and conferred as required by CRC 3.724. CCMC statements must address the following issues when applicable:

- A. A brief factual summary to assist the Court in understanding the background of the case, a statement of the issues presented, including each theory of liability and defense and a summary of the facts supporting each position taken, and the relief sought, including an estimate of damages.
- B. The number of parties and their posture, including a proposed structure of representation, (e.g., liaison/lead counsel or by committee) if applicable;
- C. Deadlines and limits on joinder of parties and amended or additional pleadings;
- D. Class discovery and class certification;
- E. A proposed schedule for the conduct of the litigation including, but not limited to, a discovery plan, a plan for hearing remaining law and motion, and a projected trial date;
- F. An identification of all potential evidentiary issues involving confidentiality or protected evidence;
- G. A detailed description of the procedural posture of the case, describing any outstanding procedural problems, including, but not limited to:
  - (1) unserved parties and the reasons for the failure to serve;
  - (2) unserved and/or unfiled cross-complaints;
  - (3) related actions pending in any jurisdiction and the potential for coordination or consolidation;
  - (4) any possible jurisdictional or venue issues that may arise;
  - (5) the status of discovery, including a description of all anticipated discovery and incomplete or disputed discovery issues;
  - (6) unresolved law and motion matters;
  - (7) requests for, or opposition to, any ADR proceedings, including but not limited to mediation, judicial or contractual arbitration;
  - (8) severance of issues for trial; and
  - (9) calendar conflicts for any attorney, witness, or party, and any other matter which may affect the setting of a trial date.
- H. Counsel may make suggestions for streamlining the litigation, including, but not limited to, a master file system, designation of lead counsel [for plaintiff(s) and/or defendant(s)] to streamline service of process and/or management of discovery, the use of e-filing, and the use of a web-page maintained by lead counsel for the purpose of posting the litigation schedule and agenda.

SERVICE OF THIS ORDER Counsel for plaintiff(s) shall have a continuing obligation to serve a copy of this order on newly joined parties defendant not listed on the proof of service of this order and file proof of service. Each party defendant joining any third party

cross-defendant shall have a continuing duty to serve a copy of this order on newly joined cross-defendants and to file proof of service.





1 NELSON CHAN (#109272)  
 Chief Counsel  
 2 SUSAN SAYLOR (#154592)  
 Special Projects Counsel  
 3 DEPARTMENT OF FAIR EMPLOYMENT  
 AND HOUSING  
 4 39141 Civic Center Drive, Suite 410  
 Fremont, CA 94538  
 5 Telephone: (510) 789-1031

6 Attorneys for the DFEH  
 [Filing fee exempt, Gov. Code, § 6103]  
 7

8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 9 **IN AND FOR THE COUNTY OF ALAMEDA**

11 THE DEPARTMENT OF FAIR EMPLOYMENT  
 AND HOUSING, an agency of the State of  
 12 California,

13 Plaintiff,

14 vs.

15 LAW SCHOOL ADMISSION COUNCIL, INC.,  
 a Delaware tax exempt corporation, and DOES  
 16 ONE through TEN, inclusive,

17 Defendants.

Case No. RG12621479

**DECLARATION OF JOHN DOE IN  
 SUPPORT OF MOTION TO PROCEED  
 USING FICTITIOUS NAMES**

Date: May 15, 2012

Time: 10:30 am

Dept. 31, Hon. Evelio Grillo presiding

18 JOHN DOE, JANE DOE, PETER ROE,  
 19 RAYMOND BANKS, KEVIN COLLINS,  
 RODNEY DECOMO-SCHMITT, ANDREW  
 20 GROSSMAN, ELIZABETH HENNESSEY-  
 SEVERSON, OTILIA IOAN, ALEX JOHNSON,  
 21 NICHOLAS JONES, CAROLINE LEE,  
 ANDREW QUAN, STEPHEN SEMOS,  
 22 GAZELLE TALESHPOUR, KEVIN  
 VIELBAUM, AUSTIN WHITNEY, and all other  
 23 similarly situated individuals,

24 Real Parties in Interest.

25  
 26 I, John Doe, hereby declare:  
 27

1 NELSON CHAN (#109272)  
 Chief Counsel  
 2 SUSAN SAYLOR (#154592)  
 Special Projects Counsel  
 3 DEPARTMENT OF FAIR EMPLOYMENT  
 AND HOUSING  
 4 39141 Civic Center Drive, Suite 410  
 Fremont, CA 94538  
 5 Telephone: (510) 789-1031

6 Attorneys for the DFEH  
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8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 9 **IN AND FOR THE COUNTY OF ALAMEDA**  
 10

11 THE DEPARTMENT OF FAIR EMPLOYMENT  
 AND HOUSING, an agency of the State of  
 12 California,

13 Plaintiff,

14 vs.

15 LAW SCHOOL ADMISSION COUNCIL, INC.,  
 a Delaware tax exempt corporation, and DOES  
 16 ONE through TEN, inclusive,

17 Defendants.)

Case No. RG12621479

**DECLARATION OF JOHN DOE IN  
 SUPPORT OF MOTION TO PROCEED  
 USING FICTITIOUS NAMES**

Date: May 15, 2012

Time: 10:30 am

Dept. 31, Hon. Evelio Grillo presiding

18 JOHN DOE, JANE DOE, PETER ROE,  
 19 RAYMOND BANKS, KEVIN COLLINS,  
 RODNEY DECOMO-SCHMITT, ANDREW  
 20 GROSSMAN, ELIZABETH HENNESSEY-  
 SEVERSON, OTILIA IOAN, ALEX JOHNSON,  
 21 NICHOLAS JONES, CAROLINE LEE,  
 ANDREW QUAN, STEPHEN SEMOS,  
 22 GAZELLE TALESHPOUR, KEVIN  
 VIELBAUM, AUSTIN WHITNEY, and all other  
 23 similarly situated individuals,

24 Real Parties in Interest.)

25  
 26 I, John Doe, hereby declare:  
 27

1           1.       I am an applicant to law school and a real party in interest in this lawsuit against the  
2 Law School Admission Council, Inc. (LSAT). I have personal knowledge of the above-captioned  
3 case, and if called upon to testify, I could do so competently.

4           2.       I am 25 years old.

5           3.       I have ADD, as well as encephalopathy from a bacterial infection which required  
6 approximately two month of hospitalization and a medically-induced coma for several weeks. During  
7 this illness, I suffered from a severe brain edema which left me with residual neurological  
8 impairments, for which I requested reasonable accommodations on the LSAT.

9           4.       I believe that LSAC has violated my rights as a person with a disability and I wish to  
10 participate in the lawsuit being handled by the DFEH as a real party in interest. However, I do not  
11 wish to reveal my true name.

12          5.       I would like to retain my right to privacy in my medical condition because of its  
13 highly personal and sensitive nature. Because of the judgment I have already faced for my traumatic  
14 brain injury and my potentially life-long residual impairments, I am concerned about becoming  
15 permanently labeled as "disabled." I miraculously survived LeMierre's Syndrome, a rare bacterial  
16 infection of which I was the 137<sup>th</sup> documented case since 1936. It has an 8 percent survival rate; thus  
17 only around 11 people have survived it. Of these few, most end up in a fully compromised state with  
18 significant organ failures, including the kidneys, lungs, pancreas, heart and brain. Despite being  
19 considered "two hours away" from death before my "last resort" thoracic surgery, I have recovered  
20 astonishingly well. However, because of the severity of this illness and the societal stigma associated  
21 with it, I want to avoid any possibility of being mistaken as a "vegetable" by the world. I do not want  
22 to be ostracized by society due to the unfortunate events that have occurred.


23          6.       I am also afraid that, if my real name is used in the DFEH lawsuit, it will have a  
24 negative impact on my career. I have already struggled with having to explain the gap in my resume  
25 to potential employers who are deterred from considering me when I describe the critical condition I  
26 was in and the extensive recovery period it took to heal. As a result, I am sensitive to having been  
27 critically ill, and am fearful that it will prejudice me later by future employers who recognize my

1 involvement in this lawsuit. Furthermore, I know I can continue to outperform others when given a  
2 fair opportunity.

3 7. I would like to participate in this case using a fictitious name.

4 I declare under penalty of perjury under the laws of the State of California that the foregoing  
5 is true and correct.

6 Executed on this 29 day of March, 2012, at San Diego, California.

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10 *John Doe*  
11 Real Party in Interest  
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RCD



1 NELSON CHAN (#109272)  
 Chief Counsel  
 2 SUSAN SAYLOR (#154592)  
 Special Projects Counsel  
 3 DEPARTMENT OF FAIR EMPLOYMENT  
 AND HOUSING  
 4 39141 Civic Center Drive, Suite 410  
 Fremont, CA 94122  
 5 Telephone: (510) 789-1031

**FILED**  
**ALAMEDA COUNTY**

APR - 5 2012

CLERK OF THE SUPERIOR COURT  
 By Heather Shae Deputy

6 Attorneys for the DFEH  
 [Filing fee exempt, Gov. Code, § 6103]  
 7

8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **IN AND FOR THE COUNTY OF ALAMEDA**

10  
 11 THE DEPARTMENT OF FAIR EMPLOYMENT ) Case No. RG12621479  
 AND HOUSING, an agency of the State of )  
 12 California, )

13 Plaintiff,

**DECLARATION OF SERVICE BY MAIL**

14 vs.

15 LAW SCHOOL ADMISSION COUNCIL, INC., )  
 a Delaware tax exempt corporation, and DOES )  
 16 ONE through TEN, inclusive, )

17 Defendants.

18 JOHN DOE [GABRIEL BECERRA], JANE DOE )  
 19 [ERIKA EWING], RAYMOND BANKS, KEVIN )  
 COLLINS, RODNEY DECOMO-SCHMITT, )  
 20 ANDREW GROSSMAN, SAMAN HEIDARI, )  
 ELIZABETH HENNESSEY-SEVERSON, )  
 21 OTILIA IOAN, ALEX JOHNSON, NICHOLAS )  
 JONES, CAROLINE LEE, ANDREW QUAN, )  
 22 STEPHEN SEMOS, GAZELLE TALESHPOUR, )  
 KEVIN VIELBAUM, AUSTIN WHITNEY, and )  
 23 all other similarly situated individuals, )

24 Real Parties in Interest.  
 25

26 I, the undersigned, hereby declare:  
 27



COURT PAPER  
 State of California  
 Std. 112 Rev. 3-98  
 F&H Automated

-1-

DFEH v. Law School Admission Council, Inc. (John Doe, et al., RPI's)  
 Declaration of Service by Mail

1 I am over eighteen years of age and not a party to the within cause. My business and mailing  
2 address is 39141 Civic Center Drive, Suite 410, Fremont, California 94538.

3 On April 4, 2012, I served a copy of the attached **DECLARATION OF JOHN DOE IN**  
4 **SUPPORT OF MOTION TO PROCEED USING FICTITIOUS NAMES**, in the case of *DFEH*  
5 *v. LAW SCHOOL ADMISSION COUNCIL, INC., et al. (John Doe, et al., RPI's)*, Alameda County  
6 Superior Court Case No. RG12621479, on each of the following by placing the same in an envelope  
7 (or envelopes) addressed (respectively) as follows:

8 Julie Capell 9 Fulbright & Jaworski LLP 10 555 S. Flower Street, 41st Floor 11 Los Angeles, CA 90071	12 Attorney for Defendants
---	----------------------------

13 Each said envelope was then on said date sealed and deposited in the United States mail in  
14 Fremont, Alameda County, California, the county in which I am employed, with mail postage  
15 thereon fully prepaid.

16 I declare under penalty of perjury under the laws of the State of California that the foregoing  
17 is true and correct.

18 Executed on April 4, 2012, at Fremont, California.

19   
20 Janet Ellenberg



-2-

DFEH v. Law School Admission Council, Inc. (John Doe, et al., RPI's)  
Declaration of Service by Mail



1 NELSON CHAN (#109272)  
 Chief Counsel  
 2 SUSAN SAYLOR (#154592)  
 Special Projects Counsel  
 3 DEPARTMENT OF FAIR EMPLOYMENT  
 AND HOUSING  
 4 39141 Civic Center Drive, Suite 410  
 Fremont, CA 94538  
 5 Telephone: (510) 789-1031

6 Attorneys for the DFEH  
 [Filing fee exempt, Gov. Code, § 6103]  
 7

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 9 IN AND FOR THE COUNTY OF ALAMEDA  
 10

11 THE DEPARTMENT OF FAIR EMPLOYMENT  
 AND HOUSING, an agency of the State of  
 12 California,

13 Plaintiff,

14 vs.

15 LAW SCHOOL ADMISSION COUNCIL, INC.,  
 a Delaware tax exempt corporation, and DOES  
 16 ONE through TEN, inclusive,

17 Defendants.)

Case No. RG12621479

DECLARATION OF JOHN DOE IN  
 SUPPORT OF MOTION TO PROCEED  
 USING FICTITIOUS NAMES

Date: May 15, 2012

Time: 10:30 am

Dept. 31, Hon. Evelio Grillo presiding

18 JOHN DOE, JANE DOE, PETER ROE,  
 19 RAYMOND BANKS, KEVIN COLLINS,  
 RODNEY DECOMO-SCHMITT, ANDREW  
 20 GROSSMAN, ELIZABETH HENNESSEY-  
 SEVERSON, OTILIA IOAN, ALEX JOHNSON,  
 21 NICHOLAS JONES, CAROLINE LEE,  
 ANDREW QUAN, STEPHEN SEMOS,  
 22 GAZELLE TALESHPOUR, KEVIN  
 VIELBAUM, AUSTIN WHITNEY, and all other  
 23 similarly situated individuals,

24 Real Parties in Interest.)  
 25

26 I, John Doe, hereby declare:  
 27



-1-

DFEH v. Law School Admission Council, Inc. (Whitney)  
 Doe Declaration in Support of Motion to Proceed Using Fictitious Names



1           1.       I am an applicant to law school and a real party in interest in this lawsuit against the  
2 Law School Admission Council, Inc. (LSAT). I have personal knowledge of the above-captioned  
3 case, and if called upon to testify, I could do so competently.

4           2.       I am 25 years old.

5           3.       I have ADD, as well as encephalopathy from a bacterial infection which required  
6 approximately two month of hospitalization and a medically-induced coma for several weeks. During  
7 this illness, I suffered from a severe brain edema which left me with residual neurological  
8 impairments, for which I requested reasonable accommodations on the LSAT.

9           4.       I believe that LSAC has violated my rights as a person with a disability and I wish to  
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11 wish to reveal my true name.

12          5.       I would like to retain my right to privacy in my medical condition because of its  
13 highly personal and sensitive nature. Because of the judgment I have already faced for my traumatic  
14 brain injury and my potentially life-long residual impairments, I am concerned about becoming  
15 permanently labeled as "disabled." I miraculously survived LeMierre's Syndrome, a rare bacterial  
16 infection of which I was the 137<sup>th</sup> documented case since 1936. It has an 8 percent survival rate; thus  
17 only around 11 people have survived it. Of these few, most end up in a fully compromised state with  
18 significant organ failures, including the kidneys, lungs, pancreas, heart and brain. Despite being  
19 considered "two hours away" from death before my "last resort" thoracic surgery, I have recovered  
20 astonishingly well. However, because of the severity of this illness and the societal stigma associated  
21 with it, I want to avoid any possibility of being mistaken as a "vegetable" by the world. I do not want  
22 to be ostracized by society due to the unfortunate events that have occurred.

23          6.       I am also afraid that, if my real name is used in the DFEH lawsuit, it will have a  
24 negative impact on my career. I have already struggled with having to explain the gap in my resume  
25 to potential employers who are deterred from considering me when I describe the critical condition I  
26 was in and the extensive recovery period it took to heal. As a result, I am sensitive to having been  
27 critically ill, and am fearful that it will prejudice me later by future employers who recognize my



COURT PAPER  
State of California  
Std. 113 Rev. 3-06  
FEAH Approved

-2-

*DFEH v. Law School Admission Council, Inc. (Whitney)*  
Doe Declaration in Support of Motion to Proceed Using Fictitious Names

1 involvement in this lawsuit. Furthermore, I know I can continue to outperform others when given a  
2 fair opportunity.

3 7. I would like to participate in this case using a fictitious name.

4 I declare under penalty of perjury under the laws of the State of California that the foregoing  
5 is true and correct.

6 Executed on this 29 day of March, 2012, at San Diego, California.

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*John Doe*  
Real Party in Interest







POS-015

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Susan Saylor (#154592)</b> <b>Department of Fair Employment and Housing</b> <b>39141 Civic Center Drive, Suite 410</b> <b>Fremont, CA 94538</b>  TELEPHONE NO.: (510) 622-2941 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff, Dept. of Fair Employment and Housing		FOR COURT USE ONLY           CASE NUMBER: <b>RG12621479</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94512 BRANCH NAME:		
PLAINTIFF/PETITIONER: Department of Fair Employment and Housing DEFENDANT/RESPONDENT: Law School Admission Council, Inc.		
<b>NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL</b>		

TO (insert name of party being served): Law School Admission Council, Inc.

### NOTICE

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: March 22, 2012

Iva Townsel

(TYPE OR PRINT NAME)



(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

### ACKNOWLEDGMENT OF RECEIPT

This acknowledges receipt of (to be completed by sender before mailing):

- ☒ A copy of the summons and of the complaint.
- ☒ Other (specify):

Notice of Motion and Motion to Proceed Using Fictitious Names; Memorandum of Points and Authorities in Support of Motion; Declaration of Susan Saylor in Support of Motion; Declaration of Peter Roe in Support of Motion; Declaration of Jane Doe in Support of Motion; and Alternative Dispute Resolution (ADR) Information Packet

(To be completed by recipient):

Date this form is signed: 4/5/2012

Julie Capell, Attorney for Law

(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,  
ON WHOSE BEHALF THIS FORM IS SIGNED)

Law School Admission  
Council, Inc.



(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF  
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)